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**Town of Campton,  
New Hampshire**

**Zoning Ordinance**

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**Adopted February 1974**

**Amended March 12, 2024**



**March 2024** – Amendment to Article II (Definitions) to add definitions of “accessory structure” and “sidewalk.” Article III, Section 3.03 (Campton Town Center Overlay Zone) and Section 3.06 (Light Industrial Zone) which seek to clarify the boundaries of these zoning districts. Article IV, Section 4.02 (B) (Commercial Zone) to provide that “mixed-use” is allowed within this zoning district. Article IV, Section 4.02 (C) (Campton Town Center Overlay Zone) to clarify a general design requirement and impose mandatory provisions to the landscaping criteria for this overlay district

**March 2023** – Amendment ADU and Floodplain Regulations

**March 2022**- Impact Fee Ordinance and Amendment to attached ADU

**March 2021**- Reorganized and recodified; numerous clarifications, corrections, and updates

**March 2018**- Article IV-A-13 General Provisions Amendment (see 5.01.2)

**March 2018**-Article III-B-4 Commercial Zone Amendment (see 3.02.4)

**March 2018**-Article III – Amendment to Zoning Districts Add J-Campton Town Center Overlay Zone (see 3.03)

**March 2018**-Article II-X Add Definition of Mixed Use (see Article II.M.)

**March 2017** – Article IV Accessory Dwelling Unit Amendment AND Home Occupancy Signage Amendment

**March 2016** – Article IV Flood Plain Hazard Boundary (see 4.02.I)

**March 2016** – Multiple Family Dwelling Permitted in – Forest Conservation Zone (see 4.02.E.1)

**March 2012** – Article IV, Section 7 Bed & Breakfast (see 4.01.8)

**March 2011** – Article IV, Section 17 High Voltage Lines Buried (see 4.01.14)

**March 2011** – Article IV, Section 11

**March 2009** – Article IV, Section C & D Multi Family (see 6.03)

**October 2007** – FEMA Maps Resolution (see 3.09)

**March 2007** – Flood Plain Map Date Change to 2/20/2008 (see 3.09)

**March 2007** – Article IV Section G 4 & A 9. See 4.02.D.4 & 4.01.110

**March 1995** – Sign Ordinance March 1996 – Flood Zone

**March 2005** – Resort Residential Zone March 2005 – Sign Ordinance

**March 1994**

**March 1992**

**March 1991**

**March 1990**

**March 1989**

**March 1987** – Forest Conservation Zone

**Contents**

ARTICLE I PREAMBLE, PURPOSE AND TITLE ..... 1

    1.01 PREAMBLE..... 1

    1.02 PURPOSE ..... 1

    1.03 TITLE..... 1

ARTICLE II DEFINITIONS..... 1

ARTICLE III ZONING DISTRICTS.....4

    3.01 PRECINCT RESIDENTIAL ZONE..... 4

    3.02 COMMERCIAL ZONE..... 4

    3.03 CAMPTON TOWN CENTER OVERLAY ZONE..... 5

    3.04 RIVER CORRIDOR PROTECTION ZONE..... 5

    3.05 FOREST CONSERVATION ZONE ..... 6

    3.06 LIGHT INDUSTRIAL ZONE ..... 6

    3.07 RESORT RESIDENTIAL ZONE..... 7

    3.08 RURAL RESIDENTIAL ZONE..... 7

    3.09 FLOODPLAIN ZONE ..... 7

ARTICLE IV USES AND DIMENSIONAL STANDARDS..... 7

    4.01 GENERAL PROVISIONS..... 7

    4.02 PROVISIONS SPECIFIC TO ZONING DISTRICT ..... 11

        A. PRECINCT RESIDENTIAL ZONE ..... 11

        B. COMMERCIAL ZONE..... 12

        C. CAMPTON TOWN CENTER OVERLAY ZONE ..... 12

        D. RIVER CORRIDOR PROTECTION ZONE ..... 13

        E. FOREST CONSERVATION ZONE..... 15

        F. LIGHT INDUSTRIAL ZONE..... 16

        G. RESORT RESIDENTIAL ZONE ..... 17

        H. RURAL RESIDENTIAL ZONE ..... 18

        I. FLOODPLAIN ZONE ..... 18

ARTICLE V OTHER REQUIREMENTS..... 26

    5.01 NONCONFORMING USES AND LOTS..... 26

    5.02 PARKING ..... 26

5.03	SIGN REGULATIONS.....	27
5.04	VENDING MACHINES.....	42
5.05	IMPACT FEES.....	43
ARTICLE VI	SPECIAL LAND USES.....	45
6.01	OPEN SPACE DEVELOPMENT .....	45
6.02	ACCESSORY DWELLING UNITS .....	46
6.03	CLUSTER AND MULTIPLE FAMILY DWELLINGS .....	47
6.04	RECREATIONAL CAMPING PARKS .....	49
6.05	EXCAVATIONS .....	50
ARTICLE VII	ENFORCEMENT .....	50
ARTICLE VIII	PENALTY .....	50
ARTICLE IX	REPEAL.....	50
ARTICLE X	ZONING BOARD OF ADJUSTMENT.....	50
10.01	GENERAL .....	50
10.02	ZONING BOARD OF ADJUSTMENT POWERS .....	51
A.	APPEALS.....	51
B.	SPECIAL EXCEPTIONS.....	52
C.	CONDITIONS.....	52
D.	EQUITABLE WAIVERS OF DIMENSIONAL REQUIREMENTS.....	53
ARTICLE XI	SEPARABILITY .....	54
ARTICLE XII	EFFECTIVE DATE .....	54

## **ARTICLE I      PREAMBLE, PURPOSE AND TITLE**

### ***1.01 PREAMBLE***

Pursuant to the authority conferred by Title LXIV, New Hampshire Revised Statutes Annotated, 1955, as amended, for the purpose of promoting the health, safety, and the general welfare of the Town of Campton, New Hampshire, the following ordinance is hereby enacted by the voters of the Town of Campton, New Hampshire.

### ***1.02 PURPOSE***

The purpose of this Ordinance shall be to promote the health and general welfare; to prevent the overcrowding of land; to avoid undue concentration of the population; to promote the safety, convenience and welfare of the inhabitants of the Town by dividing the municipality into zones and regulating the uses of land, buildings, and structures therein with a view toward encouraging the most appropriate use of land in the municipality and other purposes as set forth in the New Hampshire Revised Statutes Annotated, 674:17.

### ***1.03 TITLE***

This ordinance shall be known and may be cited as “Town of Campton Zoning Ordinance,” herein after referred to as “this Ordinance.”

## **ARTICLE II      DEFINITIONS**

All terms in this Ordinance shall have their customary English meanings, with the following certain terms being defined, for the purpose of this Ordinance, as they are in this Article. Whenever appropriate, the singular includes the plural and the plural includes the singular.

- A1. "Accessory Dwelling Unit"** means a residential living unit that is within, attached to, or detached from a single-family dwelling, and that 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.
  
- A. "Accessory Structure"** means a structure which is on the same parcel of property as a principal structure and the use of which is incidental to the use of the principal structure.
  
- B. "Cluster Envelope Lot"** means a parcel of land made up of individual cluster lots and the common land that surrounds them, owned in common by the owners of the cluster lots which lie within the envelope lot.
  
- C. "Cluster Lots"** means an arrangement of lots for single family dwellings of less than the minimum required lot size where the total allowed density including common or reserved land or “greenbelt” conforms to the zone in which it is located.

- D. “Conforming Use”** means the use of a building, structure, or land in conformance with the terms of this Ordinance.
- E. “Density Land”** means land within the Resort Residential Zone that may be used to determine the total number of dwelling units and or commercial units that may exist on any given parcel of land in that zone. “Density Land” used in this fashion means all land owned by a landowner, without deduction for steep slopes, wetlands or otherwise, and need not be contiguous to the specific parcel under consideration for development, but in all cases, it must be dedicated to that parcel for density purposes through a recorded density easement that prohibits that “Density Land” from being used for determining the density of any other parcel of land. “Density Land” may consist of land that is being used for a variety of purposes other than for dwelling and/or commercial units such as, but not necessarily limited to: elements of a golf course; ski slopes or trails; power line rights-of-way; tennis courts; and other similar uses.
- F. “Dwelling”** means any building or structure, or part thereof, designed or used for non-transient or permanent residential purposes, including manufactured homes when equipped with internal toilet and tub or shower facilities.
- G. “Dwelling, Multiple Family”** means a building or structure which contains more than one separate or setoff portions used or intended to be used as the residence for one family only, whether such separate or setoff portion is leased, sold or otherwise made the subject of a conveyance and/or the right to occupy.
- H. “Dwelling, Single Family ”** means a building used or intended to be used as a residence of one family only.
- I. “Dwelling Unit”** means a separate or setoff portion of a structure used or intended to be used as a residence for one family.
- J. “Earth”** means sand, gravel, rock, loam, soil, fill, or construction aggregate.
- K. “Home Occupation”** means any business, profession, or service occupation which can normally be maintained in a residence and is conducted primarily by the owner of an owner-occupied dwelling; the exterior appearance of the building is residential; and no traffic problems are involved.
- L. “Lot”** means a parcel of land capable of being occupied by one principal structure or use and its accessory structures or uses, and as shown and identified on a plat.
- M. “Mixed Use”** means combined residential and office/retail use on a single lot.
- N. “Municipality”** or **“Municipal”** means the Town of Campton, and/or other legally recognized governing body.
- O. “Municipal Wastewater System”** means a wastewater collection, treatment, and disposal system that is owned and operated by a municipal or regional government.

- P. “Municipal Water Supply”** means a public water supply system that serves an average of at least twenty-five (25) individuals daily or year-round, or that has at least fifteen (15) service connections, and that is owned and operated by a municipal or regional government.
- Q. “Nonconforming Use”** means a permitted use of a building, structure, or land which in whole or in part does not conform to the regulations of the district in which it exists, but which is either legally existing at the time of the adoption of this Ordinance and any amendments thereto, or which is allowed to exist pursuant to a Special Exception or variance granted by the Zoning Board of Adjustment.
- R. “Ordinary High Water Mark”** means the line on the shore, running parallel to the main stem of the river, established by the fluctuations of water and indicated by physical characteristics such as a clear, natural line impressed on the immediate bank, shelving, changes in the character of soil, destruction of terrestrial vegetation, the presence of litter and debris, or other appropriate means that consider the characteristics of the surrounding areas. (RSA 483-B:4)
- S. “Planning Board”** means the duly appointed Planning Board of the Town of Campton.
- T. “Prohibited Use”** means the use of a building, structure, or land which in whole or in part does not conform to the regulations of the district in which it exists, and which is not a permitted nonconforming use.
- U. “Recreational Vehicle”** means a vehicle which is:
- a. built on a single chassis;
  - b. 400 square feet or less when measured at the largest horizontal projection;
  - c. designed to be self-propelled or permanently towable by a light duty truck; and
  - d. designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel or seasonal use.
- V. “Residence”** means a dwelling unit.
- W. “Road”** includes street, avenue, boulevard, road, alley, highway, and other way, exclusive of driveways serving not more than two adjacent lots.
- X. “Room”** means a defined space without kitchen facilities for occupancy within a dwelling.
- Y. “Selectmen”** means the Board of Selectmen of the Town of Campton.
- Y2. “Sidewalk”** All sidewalks must be ADA compliant if constructed after 2024. Sidewalks as defined are permitted.
- Z. “Wetlands”** means an area that is inundated or saturated by surface or groundwater at a frequency and duration sufficient to support, and that under normal conditions does support, a prevalence of vegetation typically adapted for life in saturated soil conditions (RSA 482-A:2.X).

## **ARTICLE III     ZONING DISTRICTS**

For the purpose of this Ordinance the Town of Campton shall be divided into the following districts or zones as shown on the official zoning map to be filed with the office of the Town Clerk of Campton upon adoption hereof, and which is incorporated herein by reference.

Any land which lies within more than one zone shall conform to the requirements of all the zones in which it lies.

### ***3.01    PRECINCT RESIDENTIAL ZONE***

This zone shall consist of the existing Campton Village and Waterville Estates Village Districts, except for that portion defined as Commercial pursuant to Section 3.02 below.

### ***3.02    COMMERCIAL ZONE***

This district shall be all land within 500 feet of the centerline of roads designated below, measured at right angles to said centerline at any point, provided that the limit of this zone shall not exceed such major natural boundaries as the ordinary high water mark of major streams (i.e. the Pemigewasset and Mad Rivers), as applicable, and as described below.

1. Route 3, otherwise known as Daniel Webster Highway, from the Plymouth town line on the south to the Thornton town line on the north.
2. NH RT 49 from its intersection with Route 3 on the west to the Thornton town line on the east.
3. The Old Depot Road, so-called, for its entire length, together with an additional triangular shaped parcel of land on the easterly side of Interstate 93 north of Depot Road, constituting the remainder of lot 3 on a subdivision plat entitled "Subdivision for Larix Corp.," bounded on the west by the 1-93 right-of-way, on the north by land now or formerly of Campton Sand & Gravel, Inc., and on the southeast by the remainder of said lot 3.
4. NH RT 175 from the intersection with Winterbrook Road on the south to the Thornton town line. Also to include all land north of the junction of NH RT 175 and NH RT 49 and east of NH RT 175 to west side of NH RT 49 existing Commercial Zone. Mad River Road, Osgood Road, and Old Waterville Road.
5. The Vintinner Road, so-called, from NH RT 49 to its end, and encompassing all the land between 1-93 right-of-way and the Mad River.
6. The Bog Road from its intersection with Route 3 near Exit 27 of I-93 westerly to the



centerline of the Blair Heights Development entrance road.

### ***3.03 CAMPTON TOWN CENTER OVERLAY ZONE***

The purpose of the Campton Town Center Overlay Zone is to enact requirements for new and change of use development that balances bringing new businesses and rural small-town tax base to Campton with the commitment to preserving the historical character of the town. Campton Town Center Overlay Zone regulations are in conjunction with specified existing Commercial Zone regulations. The more stringent regulations shall apply.

The Campton Town Center Overlay Zone shall consist of: the Commercial Zone, with the exception of Route 3 from the Thornton town line on the north to the Plymouth town line on the south plus additional areas as follows (500 feet from centerline of roadway as provided in the Commercial Zone):

1. Route 175: from the watering trough at the junction of Route 175 with the Mad River Road to the Thornton town line on the north. (Tax Map 4)
  2. Mad River Road to Thornton town line
  3. From Route 49 to Winterbrook Road off of Route 175
  4. NH Route 49 from Thornton to US Route 3 Townline in Campton
- \*See the overlay map boundaries

### ***3.04 RIVER CORRIDOR PROTECTION ZONE***

The intent of creating this zone is to provide a long range plan to conserve, protect, and promote the integrity and naturalness of the Mad, Pemigewasset, and Beebe Rivers, and their shorelines and views to the best advantage of the Town, the landowners, the public and posterity.

This zone shall include all land in the 100-year floodplains of the Mad, Pemigewasset, and Beebe Rivers in the Town of Campton. It shall also include any other land in the Town within 500 feet of the ordinary high water mark of these rivers. The following described land shall be excluded from this zone to the extent to which it is included in the above description:

1. Land westerly of Route 3 from the Campton/Plymouth town line to the Campton/Thornton town line.
2. Land up to 500 feet easterly of Route 175 from the Beebe River turnoff to its intersection with Route 49.
3. Land up to 500 feet northerly of Route 49 from its intersection with I-93 to the Campton/Thornton town line.
4. Land up to 500 feet southerly of Route 49 from its intersection with I-93 to the iron

bridge across the Pemigewasset River.

### ***3.05 FOREST CONSERVATION ZONE***

The Forest Conservation Zone is established in order to protect property consisting of steep slopes, limited road access, and severe terrain, including a portion of the White Mountain National Forest, from development which may unreasonably burden Town services, be unsuited to the mountainous environment, or detract from the natural beauty of the White Mountain National Forest and its immediately surrounding area. The Forest Conservation Zone shall consist of an area in the northwesterly section of the Town, shown on the map incorporated herein, bounded and described as follows:

Beginning at the intersection of the town lines of Campton, Ellsworth, and Thornton at the northwest corner of the Town of Campton, extending southerly along the Ellsworth/Campton town line to the intersection of the town lines of Ellsworth, Campton, and Rumney, thence along the Campton/Rumney town line to the height of land to the northwest of Bald Mountain, thence to the peak of Bald Mountain, thence turning southeasterly along the hydrological divide to the peak of Chandler Hill, then easterly along the hydrologic divide to the ridge of Round Hill, then northeasterly to northern end of the ridge, then northerly along the hydrologic divide to the top of Rowe Hill thence northerly in a straight line to the point where West Branch Brook intersects the Campton/Thornton town line, thence northwesterly along West Branch Brook, which is the Campton/Thornton town line to the point of beginning.

### ***3.06 LIGHT INDUSTRIAL ZONE***

The purpose and intent of this zone is to meet the needs of the Town's expected future economy and to provide appropriate areas near a major highway, Interstate 93, within the Town of Campton, permitting the development and continued use of lands for compatible retail, commercial, and industrial uses, while prohibiting land uses that are not compatible with the permitted uses or considered to be hazardous, objectionable, or offensive by reason of noise, vibration, dust, smoke, odors, and the like to the public health, safety, welfare and interests. It is intended that light industrial uses, such as an office park for research and development, light assembly and other commercial businesses will be encouraged, while protecting adjacent residential and commercial areas by separating them from the specific activities permitted in the Light Industrial Zone, and by prohibiting the use of such space for new residential development.

This zone shall consist of the parcels of land currently with a parcel id of 15/2/9, 15/2/8, 15/2/7, and 15/2/53.

### ***3.07 RESORT RESIDENTIAL ZONE***

The purpose and intent of this zone is to create a mixed use recreation, residential and commercial zone in order to encourage and manage the controlled growth of certain sections of the Town of Campton which lend themselves to the development of resort facilities and the growth of resort-oriented housing around those facilities that collectively add to the Town of Campton's tax base without unduly increasing the Town of Campton's property tax burden and to encourage the preservation and recreational use of open space in harmony with the natural terrain.

This zone shall initially consist of that land lying southerly of the Thornton town line, generally along and on both sides of Owl Street, and being depicted as lot numbers: 3-3-2, 3-4-1, 3-4-1-1, 3-4-1-2, 3-4-1-3, 3-4-2, 3-4-3, 3-4-4, 3-4-7, 3-4-8, 3-4-9, 3-4-9-01, 3-5-1, 4-11-1, 4-13-1, 4-13-2, and land lying generally to the north of Route 49 depicted as lot numbers 10-11-1 and 10-11-2 except for those portions of lots 10-11-1 and 10-11-2 which lie within 500 feet of Route 49 and are therefore within the Commercial Zone. Any existing mineral rights accruing to any of the lots within this Resort Residential Zone shall be grandfathered.

### ***3.08 RURAL RESIDENTIAL ZONE***

This zone shall consist of all remaining land in the Town of Campton.

### ***3.09 FLOODPLAIN ZONE***

This zone shall consist of all lands designated as flood hazard areas by the Federal Emergency Management Agency on the Flood Insurance Rate Map for Grafton County, New Hampshire, dated February 20, 2008, as amended, which is declared to be part of this Ordinance.

## **ARTICLE IV USES AND DIMENSIONAL STANDARDS**

### ***4.01 GENERAL PROVISIONS***

The following provisions shall apply to all zones within the Town of Campton unless specifically disallowed, amended, or further restricted elsewhere in this Ordinance:

1. Agricultural activities are permitted.
2. Single family dwellings, single family dwellings with accessory dwelling units, and multiple family dwellings are permitted, along with accessory structures such as garages or sheds, provided that from and after the date hereof, the area and density requirements of the zone in which they are located as set out below are met.
3. Cluster Developments are permitted pursuant to Section 6.03.

4. Home occupations in residences or dwellings, including seasonal roadside stands, are permitted. Home occupations with employees other than the owner-occupant and immediate family residing in the same dwelling may only be permitted by Special Exception.
5. Parks, golf courses, and other recreational uses may be permitted, provided the following criteria are met:
  - a. Recreational uses incidental to residential development and not open to the public shall be allowed.
  - b. Limited recreational uses for non-residents of the property may be allowed by Special Exception granted by the Zoning Board of Adjustment if the following criteria are met:
    - i. The site is appropriate for the intended use.
    - ii. The use will not unreasonably interfere with abutting property owners' rights.
    - iii. Appropriate access exists.
    - iv. Site Plan Review is approved by the Planning Board.
6. Cemeteries are permitted.
7. Manufactured housing units are permitted under the same rules as other residential dwelling units.
8. The renting of up to four rooms to no more than ten people, and the furnishing of meals to the residents in whole or in part shall be permitted only in an approved Bed & Breakfast. A Bed & Breakfast must meet applicable fire and life safety codes and receive Site Plan Review Approval from the Planning Board. A Bed & Breakfast may rent more than four rooms only upon receipt of a Special Exception.
9. The following provisions will be used to determine minimum lot sizes:

Except in zones where other minimums are stated, the minimum area of any lot shall be determined by Table 1 based on soil and slope conditions so as to provide adequate area for safe and sanitary sewage disposal to meet development requirements of the New Hampshire Department of Environmental Services or the Campton Zoning Ordinance, whichever is stricter.

Only one principal building may be erected on each lot, with the minimum land area to be determined by Table 1, for each dwelling unit. The total area required for the minimum lot size shall be naturally contiguous.

- a. Table 1 contains the required minimum lot sizes for specific soils and slopes for dwelling units of not more than four bedrooms.
- b. A map shall be submitted identifying the specific soils present on the lot. The specific soils involved shall be determined by on-site soil type determination by a certified soil scientist licensed in the State of New Hampshire, and by reference to the Grafton County Soil Survey, and the Town soil survey maps. All costs for this work must be borne by the applicant.
- c. The slope of the land shall be determined by reference to topographic information provided by a licensed land surveyor, professional engineer, or licensed septic system designer, and included as part of the subdivision plan submitted. Areas where slope is greater than 35% may not be used to fulfill any of the minimum lot size.
- d. Wetlands may not be used to fulfill any of the minimum lot size.
- e. Where lots for single family homes and a community or municipal water supply system only is to be provided, minimum lot size may be decreased by 33 1/3% of the minimum requirements as stated in Table 1, but to not less than one acre. This may be done only by Special Exception.
- f. Minimum lot sizes for residential 5 to 19 bedroom units shall be proportionally larger than the minimum lot size given in Table 1 by the following formula:

Lot size =  $(N/4)$ \*lot size from Table 1, where N = the number of bedrooms.

TABLE 1  
Lot Size Determination

Soil Series	Slope	Lot Size	Sewage Loading Factor
<hr/>			
Group I - Adams, Colton, Hermon, Windsor	0 - 8%	43,560	1.0
	8 - 15%	47,900	1.1
	15 - 25%	52,300	1.2
	25 - 35%	56,600	1.3
<hr/>			
Group II - Berkshire, Groveton	0 - 8%	56,600	1.3
	8 - 15%	63,200	1.45
	15 - 25%	68,000	1.56
	25 - 35%	74,000	1.70
<hr/>			
Group III - Becket, Croghan, Duane, Hartland, Madawaska, Marlow, Peru, Skerry, Waumbek	0 - 8%	69,700	1.6
	8 - 15%	76,200	1.75
	15 - 25%	91,500	2.1
	25 - 35%	104,500	2.4
<hr/>			
Group IV - Lyman - Hermon	0 - 8%	63,200	1.45
	8 - 15%	69,700	1.6
	15 - 25%	76,200	1.75
	25 - 35%	82,800	1.9

- g. Septic systems are not permitted on the following soils, and except where a municipal wastewater system will be used, cannot be included in the minimum lot size determination:

Sunday	Limerick
Winooski	Searsport
Ondawa	Whitman
Podunk	Lyman/Berkshire
Rumney	Naumberg
Saco	Greenwood
Chocorua	Ossipee
Walpole	Raynham
Lyme	Lyme/Moosilauke
Pillsbury	

- h. If a soil shall occur which is not listed above, the minimum square footage for a lot shall be determined by referring to the Campton Soil Survey Report and by a determination of the Grafton County Soil Conservation District as to the category that particular soil fits.
  - i. Where a cluster or multiple family dwelling is utilized, the density shall be determined by using the Table 1 value times the number of lots or dwelling units planned. The adjacent and surrounding land not utilized for such structure or structures shall be left open land and must be so restricted and so recorded in the deed so as to prevent the land being utilized for building purposes of any nature at any future time. Such open land shall become the property of and be cared for by the cluster or multiple family community or development owner or owners.
10. Unless otherwise stated, all lots shall have a minimum road frontage of 200 feet.
  11. A cul-de-sac shall have a maximum of 3 lots fronting on it, with a minimum road frontage of 100 feet for each such lot.
  12. All buildings and parts of buildings and other structures shall be constructed at least 50 feet from the limit of any existing or proposed road or private right-of-way, and at least 25 feet from any other property boundary line.
  13. No building or any part thereof shall exceed 35 feet in height as measured from the high point thereof to the main ground level at the base of the wall of said high point, provided however that this provision shall not apply to television and radio antennae or lightning rods. Buildings or structures designed exclusively for nonresidential agricultural, commercial or industrial purposes may exceed 35 feet by Special Exception.
  14. All high voltage current transmission lines must be buried.
  15. Unless otherwise permitted in Section 4.02 below, all other uses are prohibited.

## **4.02 PROVISIONS SPECIFIC TO ZONING DISTRICT**

### **A. PRECINCT RESIDENTIAL ZONE**

The following provisions will apply to this zone:

1. Churches, schools, libraries; fire houses; local, state or federal office buildings; and noncommercial activities accessory to the above shall be allowed within this zone.
2. Lodges, restaurants and commercial recreational buildings which are part of a residential subdivision shall be allowed as a Special Exception as set out in Article X upon application to the Zoning Board of Adjustment.
3. Professional offices for medical or dental use may be permitted by Special Exception from the Zoning Board of Adjustment pursuant to Article X.

## **B. COMMERCIAL ZONE**

The following provisions will apply to this zone:

1. In the Commercial Zone any retail business shall be permitted which provides goods or services to the general public.
2. Adequate off-street parking facilities shall be provided for commercial use.
3. Within this zone, motels, shopping centers, hotels, stores, and other commercial structures are exempt from the minimum lot size requirements as determined by Table 1 except those which may be imposed by State subdivision requirements to affect the safe disposal of sewage for onsite systems.
4. Unless granted a Special Exception by the Zoning Board of Adjustment, multiple family residences in the Commercial Zone shall have a minimum lot size of one acre and be limited to not more than three dwelling units per building, and only one primary building per acre. More than three units per building per acre may be allowed by Special Exception.
5. All commercial structures shall provide sufficient paved or cleared area on all four sides thereof for access by fire equipment, unless a Special Exception or variance is granted by the Zoning Board of Adjustment pursuant to this Ordinance.
6. Frontage requirements may be reduced by Special Exception.
7. The building coverage on any lot, including parking and driveway areas, shall not exceed 75 percent of any lot, with the open area devoted to landscaping or natural growth.
8. Mixed-use is allowed in this zone.

## **C. CAMPTON TOWN CENTER OVERLAY ZONE**

The Campton Town Center Overlay Zone requirements:

1. General Design:

Buildings shall be designed to blend in. They shall match the local physical and architectural culture in terms of scale and elevation. The facade of a building shall include windows, which, whether functional or not, shall be designed to the scale of the building in keeping with the rural small-town nature. The facade of a building shall be either the decorative side of the building and/or any side of a building readily visible from the adjacent roadway

2. Landscaping:
  - a. Setbacks: Of the 50-foot setback already required by the Zoning Ordinance, 15



feet adjacent to the right-of-way of any public way should be a landscaped buffer. ADA compliant sidewalks are permitted within the 15 foot buffer.

- b. Of the 25 feet from sides already required by the Zoning Ordinance, 10 feet are required to be a landscaped buffer adjacent to the property line.
- c. Landscaped buffer shall consist of natural, undisturbed vegetation or features, or ground cover shrubs, or trees.. Buffers are to be installed and maintained to provide attractiveness, privacy and noise reduction to neighboring properties readily visible from roadway.
- d. Screening is required to be provided along readily visible roadways, to reduce offensive views. Storage areas, including waste storage areas, shall be fenced or screened throughout the year from on-site or adjoining parking, neighboring properties, and public streets. The use of fencing or vegetation is permitted as a screen.

3. Parking:

Shall meet the requirements of Section 5.02 Parking

4. Uses:

- a. Mixed Use: Shall be allowed in the Overlay Zone.
- b. Residential Use: Shall be limited to 2 residences per acre in the Overlay Zone.
- c. Accessory Structures: Shall not be readily visible from the traveled way.

**D. RIVER CORRIDOR PROTECTION ZONE**

The following provisions will apply to this zone:

- 1. Minimum frontage along the ordinary high water mark of the river shall be 200 feet per dwelling unit.
- 2. Building setback from the ordinary high water mark of the river shall be a minimum of 50 feet.
- 3. Septic system setback from the ordinary high water mark shall be a minimum of 125 feet.
- 4. Any construction within the floodplain area of this zone shall conform to the Floodplain Zone section of this Ordinance except where restrictions in this zone are more severe, in which case they shall apply.
- 5. No alterations to the terrain shall be allowed which will change the location of the ordinary high water mark of the river, obstruct the natural flow of the river, obstruct or change the floodplain, or degrade the stability of the river bank.

6. No temporary or permanent docks, moorings, floats, jetties, piers, dams, or like structures, or improvements shall be allowed.
7. No junk yards or salvage yards shall be allowed in this zone.
8. No mining of earth or gravel shall be allowed in this zone.
9. No use shall be allowed which results in temporary or permanent degradation of water quality of the rivers.
10. No roads shall be constructed in this zone within 100 feet of the ordinary high water mark except when a crossing is required and that must be approved by the Planning Board. Roads damaged by flooding may be repaired in their original location.
11. Manufactured housing is allowed in this zone under the same criteria as other structures except that they must be placed on a foundation.
12. Timber harvesting in this zone shall not remove any more than 50% of the basal area in any 10 year period except when a change in land use to some other more intensive use is accomplished, and then such heavier cutting shall only be allowed if adequate steps are taken to maintain the stability and the character of the river bank in that area.
13. Signs in this zone shall be subject to the following restrictions:
  - a. Size shall be limited to 32 square feet.
  - b. All signs are prohibited within 100 feet of the ordinary high water mark.
  - c. No signs shall be oriented toward the river.
  - d. Only indirect lighting of signs is permitted.
14. Commercial or industrial use of the land in this zone is allowed only if the area is also in the Commercial Zone or Light Industrial Zone and is subject to the following restrictions:
  - a. No buildings for industrial use shall be constructed closer than 250 feet from the ordinary high water mark.
  - b. Any land disturbed within 100 feet of the ordinary high water mark will be landscaped in a manner which will maintain the stability and the character of the riverbank in that area.
  - c. No building for commercial use shall be closer than 100 feet to the ordinary high water mark.
15. Recreational camping parks shall be allowed in this zone under the following conditions:
  - a. All land disturbed within 100 feet of the ordinary high water mark of the

river shall be landscaped in a manner that will maintain the stability and character of the riverbank in that area.

- b. No retail sales facility may be located closer than 250 feet from the ordinary high water mark.
- c. No tent, trailer or recreational vehicle shall be closer than 100 feet from the ordinary high water mark.

16. Cluster lots and multiple family dwellings will be allowed under the following conditions:

- a. Density will remain at the level required by the zone in which it lies based on the number of contiguous acres owned in this zone.
- b. For riverfront lots, the minimum river frontage required will be 200 feet.

## **E. FOREST CONSERVATION ZONE**

The following regulations shall apply to the Forest Conservation Zone:

1. Permitted uses are forestry, agriculture, single family dwellings, single family dwellings with accessory dwelling units and multiple family dwellings. Recreational camping parks are not allowed.
2. Special Exceptions:
  - a. Other low-intensity uses, including, but not limited to, recreational, and tourist accommodations, may be permitted by Special Exception upon application to the Zoning Board of Adjustment. Before an application for Special Exception may be approved, the Zoning Board of Adjustment must find that the project meets the requirements set forth in Article X of this Ordinance. In addition, the Zoning Board of Adjustment must find that the project:
    - i. Will be so designed as to prevent erosion both during and after construction;
    - ii. Will not interfere with the scenic vistas which characterize the zone;
    - iii. Will not unreasonably burden the Town to provide road access or maintenance or other services such as fire and school transportation;
    - iv. Will be in keeping with the spirit and purposes of the Forest Conservation Zone.
  - b. The Zoning Board of Adjustment shall submit any application for Special Exception to the Planning Board for review and recommendation. The Zoning Board of Adjustment shall not be bound by the recommendation of the Planning Board but shall make written findings in support of its decision.

- c. The Selectmen shall require a successful applicant for Special Exception to post a bond or other security to assure that all erosion control measures and road construction are carried out in accordance with the approved plan.
3. Minimum lot size shall be three (3) acres of land for each dwelling unit. Slopes over 20 percent and wetlands may not be included when calculating the three-acre lot size.
4. Each lot must contain a minimum of 30,000 square feet of contiguous buildable area accessible to the road frontage. Cluster lots may utilize contiguous land in the common area of the envelope lot to meet this requirement provided that no two cluster lots utilize overlapping areas.
5. All lots of land shall have a minimum frontage of 200 feet on any road, excepting cluster lots which may have no less than 100 feet frontage if the cluster lots front on an interior road exclusively used for that cluster. Such interior roads may not serve more than fifteen dwelling units.
6. No lot shall have a depth greater than 3 times its frontage. If frontage exceeds 350 feet this requirement is waived. This requirement is also waived for cluster lots.
7. Antennae for radio and television reception, including “dish” antennae, shall be permitted provided they are screened from the road and do not interfere with scenic vistas.

## **F. LIGHT INDUSTRIAL ZONE**

The following provisions apply to this zone:

1. Within this zone, light industrial businesses such as assembly plants, research and development offices, office park, distribution center, laboratories, mail order businesses, storage and shipping businesses, professional medical, dental, and/or legal offices, motels and hotels shall be permitted.
2. Retail businesses providing goods and services to the general public shall be permitted.
3. Within this zone, office buildings, assembly plants, laboratories, professional offices, motels, hotels, stores, and other light industrial, commercial, and research and development structures are exempt from any minimum lot size requirements otherwise imposed by the laws of Campton or this Ordinance, except those which may be imposed by the state subdivision requirements to affect the safe disposal of sewage for on-site systems.
4. No residential structures or uses, dwellings or home occupations are permitted in the

Light Industrial Zone.

5. All structures shall provide sufficient paved or cleared area on all four sides thereof for access by fire equipment, unless a Special Exception or variance is granted pursuant to this Ordinance.

## **G. RESORT RESIDENTIAL ZONE**

The following provisions apply to this zone:

1. Within this zone, resort-oriented, retail businesses and offices shall be permitted which provide goods or services to the general public.
2. Adequate off-street parking facilities shall be provided for any business use open to the general public.
3. Within this zone the following uses shall be permitted:
  - a. Lodging facilities
  - b. Conferencing and meeting facilities
  - c. Clubhouses
  - d. Restaurants
  - e. Recreational buildings and facilities, both indoor and outdoor, for activities which include, but are not limited to, golf, tennis, swimming, skiing, horseback riding, snowmobiling, fishing, boating, hiking, bicycling
  - f. Spas and exercise facilities
  - g. Medical and rehabilitation facilities
  - h. Assisted living facilities
  - i. Residential developments
  - j. Retail stores and shops incidental and subordinate to permitted uses listed above
4. Notwithstanding the above, permitted uses in the Resort Residential Zone within 500 feet of the limits of Owl Street shall be those uses permitted in the Rural Residential Zone. Uses permitted in the Rural Residential Zone by Special Exception shall likewise be permitted in this area by Special Exception.
5. Within this zone, commercial and residential structures are exempt from the minimum lot size requirements as determined by Table 1 except those which may be imposed by State of New Hampshire subdivision requirements to effect the safe disposal of sewage for individual and community on-site systems.
6. Development of any given parcel of land in the Resort Residential Zone shall be limited to one dwelling unit or commercial unit per acre, including the acreage of any "Density Land" dedicated to said parcel. The maximum density of dwelling units, and/or commercial units therefore, for any given parcel of land within this zone may be determined by dividing the number of acres in said parcel of land plus the number

of acres of “Density Land,” if any, dedicated to said parcel.

7. For purposes of calculating density for any lodging facility (hotel, motel, bed and breakfast, etc.), each bedroom shall be considered the equivalent of 1/3 of a dwelling unit.
8. A commercial unit is defined as a building or space within a building designed and intended to be occupied by one business. The number of commercial units permitted in a building and/or upon a particular tract or parcel of land shall be determined by the Planning Board during site plan review.
9. Cluster lot frontage may be reduced to not less than 50 feet if the frontage is on an interior road exclusively for the use of lots within one cluster envelope providing not more than fifteen (15) units are served by such a road.
10. All buildings and parts of buildings and other structures shall be constructed at least 25 feet from the limit of any existing or proposed road or private right-of-way and at least 15 feet from any property boundary line. No less than 50 feet of open space shall be provided between multiple family buildings with more than 3 units and buildings for non-residential purposes.

## **H. RURAL RESIDENTIAL ZONE**

The following provisions apply to this zone:

In the Rural Residential Zone, the following additional uses will be permitted: religious institutions and public schools.

## **I. FLOODPLAIN ZONE**

The regulations in this section shall overlay and supplement the regulations pertaining to the other zoning districts described in the Town of Campton Zoning Ordinance and shall be considered part of the Zoning Ordinance for purposes of administration and appeals under state law. If any provision of this section differs or appears to conflict with any other provision of the Zoning Ordinance or other ordinance or regulation, the provision imposing the greater restriction or more stringent standard shall be controlling.

The following regulations shall apply to all lands designated as special flood hazard areas by the Federal Emergency Management Agency (FEMA) in its Flood Insurance Study for Grafton County, New Hampshire, dated February 8, 2024 together with the associated Flood Insurance Rate Map panels 33009C0640F, 33009C0670F, 33009C0830F, 33009C0835F, 33009C0836F, 33009C0837F, 33009C0841F, 33009C0845F, 33009C0855F, 33009C0860F, 33009C0865F, and 33009C0866F dated February 8, 2024 which are declared to be part of this Ordinance and are hereby incorporated by reference.

## Item I. Definitions

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 Campton.

**“Area of Special Flood Hazard”** is the land in the Floodplain within the Town of Campton subject to a one percent or greater chance of flooding in any given year. The area is designated as Zone A on the Flood Insurance Rate Map.

**“Base Flood”** means the flood having a one-percent possibility of being equaled or exceeded in any given year.

**“Base Flood Elevation”** (BFE) means the elevation of surface water resulting from the “base flood.”

**“Basement”** means any area of a building having its floor sub-grade on all sides.

**“Building”** - see “structure”.

**“Development”** means any man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation, or drilling operations or storage of equipment or materials.

**“FEMA”** means the Federal Emergency Management Agency.

**“Flood” or “Flooding”** means a general and temporary condition of partial or complete inundation of normally dry land areas from: (1) the overflow of inland or tidal waters, and (2) the unusual and rapid accumulation or runoff of surface waters from any source.

**“Flood Insurance Rate Map”** (FIRM) means 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 Campton.

**“Flood Opening”** means an opening in a foundation or enclosure wall that allows automatic entry and exit of floodwaters. See FEMA “Technical Bulletin 1, Openings in Foundation Walls and Walls of Enclosures.”

**“Floodplain” or “Flood-prone area”** means any land area susceptible to being inundated by water from any source (see definition of “Flooding”).

**“Flood proofing”** means 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.

**“Floodway”** - see “Regulatory Floodway”

**“Highest adjacent grade”** means the highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure.

**“Historic Structure”** means any structure that is:

- (a) Listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;
- (b) 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;
- (c) 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
- (d) Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either:
  - (1) By an approved state program as determined by the Secretary of the Interior, or
  - (2) Directly by the Secretary of the Interior in states without approved programs.

**“Lowest Floor”** means 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 buildings 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.

**“Manufactured Home”** means 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 attached 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 consecutive days. This includes manufactured homes located in a manufactured home park or subdivision.

**“Mean sea level”** means the National Geodetic Vertical Datum (NGVD) of 1929 North American Vertical Datum (NAVD) of 1988, or other datum, to which base flood elevations shown on a community's Flood Insurance Rate Map are referenced.

**“Recreational Vehicle”** is defined as:



- A. built on a single chassis;
- B. 400 square feet or less when measured at the largest horizontal projection;
- C. designed to be self-propelled or permanently towable by a light duty truck; and
- D. designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel or seasonal use.

**“Regulatory Floodway”** means 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 cumulatively increasing the water surface elevation more than a designated height.

**"Special flood hazard area"** See - “Area of Special Flood Hazard”

**“Structure”** means for floodplain management purposes, a walled and roofed building, including a gas or liquid storage tank, that is principally above ground, as well as a manufactured home.

**“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 a 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, footings, 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.

**“Substantial damage”** means damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred.

**“Substantial Improvement”** means any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure before the “start of construction” of the improvement. This term includes structures which have incurred “substantial damage,” regardless of the actual repair work performed. The term does not, however, include either:

- a. Any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions; or
- b. Any alteration of a “historic structure,” provided that the alteration will not preclude the structure's continued designation as a “historic structure

**“Water surface elevation”** means the height, in relation to the National Geodetic Vertical Datum (NGVD) of 1929, North American Vertical Datum (NAVD) of 1988, (or other datum,

where specified) of floods of various magnitudes and frequencies in the floodplains.

**“Flood Insurance Study”** means an examination, evaluation and determination of flood hazards and, if appropriate, corresponding water surface elevations, or an examination, evaluation and determination of mudslide (i.e. mudflow) and/or flood-related erosion hazards.

**“Manufactured home park or subdivision”** means a parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

**“New Construction”** means, for the purposes of determining the insurance rates, structures for which the “start of construction” commenced on or after the effective date of an initial FIRM or after December 31, 1974, whichever is later, and includes any subsequent improvements to such structures. For floodplain management purposes, new *construction* means structures for which the *start of construction* commenced on or after the effective date of a floodplain management regulation adopted by a community and includes any subsequent improvements to such structures.

**“Violation”** means the failure of a structure or other development to be fully compliant with the community’s floodplain management regulations. A structure or other development without the elevation certificate, other certifications, or other evidence of compliance required in 44CFR Sec. 60.3(b)(5), (c)(4), (c)(10),(d)(3), (e)(2), (e)(4), or (e)(5) is presumed to be in violation until such time as that documentation is provided.

## **Item II. Permits**

All proposed development in any special flood hazard areas shall require a permit.

No person, firm, or corporation shall erect, construct, enlarge, alter, repair, improve, or demolish any building or structure within the flood hazard area of the Town of Campton without first obtaining a separate building permit for each building or structure from the Board of Selectmen.

## **Item III. Permit Review**

The Board of Selectmen shall review all building permit applications for new construction or substantial improvements to determine whether 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:

- (i) 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;
- (ii) be constructed with materials resistant to flood damage,
- (iii) be constructed by methods and practices that minimize flood damages,
- (iv) 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.

#### **Item IV. 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 Board of Selectmen 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.

#### **Item V. New Structures**

For all new or substantially improved structures located in special flood hazard areas, the applicant shall furnish the following information to the Board of Selectmen.

- (i) the as-built elevation (in relation to Mean Sea Level) of the lowest floor (including basement) and include whether or not such structures contain a basement.
- (ii) if the structure has been flood-proofed, the as-built elevation (in relation to Mean Sea Level ) to which the structure was floodproofed.
- (iii) and certification of flood-proofing.

The Board of Selectmen shall maintain for public inspection, and shall furnish such information upon request.

#### **Item VI. Approved Permits**

The Board of Selectmen 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.

#### **Item VII. Water Course Alteration**

1. In ravine situations, prior to the alteration or relocation of a watercourse the applicant for such authorization shall notify the Wetland Bureau of the New Hampshire Environmental Services Department and submit copies of such notification to the Board of Selectmen, in addition to the copies required by the RSA 482-A:3. Further, the applicant shall be required to submit copies of said notification to those adjacent communities as determined by the Board of Selectmen, including notice of all scheduled hearings before the Wetlands Bureau.
2. The applicant shall submit to the Board of Selectmen, certification provided by a registered professional engineer, assuring that: the flood carrying capacity of an altered

or relocated watercourse can and will be maintained.

3. The Board of Selectmen shall obtain, review, and reasonably utilize any floodway data available from Federal, State, or other sources as criteria for requiring that all development located Zone A meet the following floodway requirements:

“No encroachments, including fill, new construction, substantial improvements, and other development are allowed within the floodway that would result in any increase in flood levels within the community during the base flood discharge.”

### **Item VIII. Special Flood Hazard Areas**

1. In Zone A the Board of Selectmen shall obtain, review, and reasonably utilize any base flood elevation data available from any federal, state or other source including data submitted for development proposals submitted to the community (i.e. subdivisions, site approvals). Where a base flood elevation is not available or not known for Zone A, the base flood elevation shall be determined to be at least 2 feet above the highest adjacent grade.
2. The Board of Selectmen’s base flood elevation determination will be used as criteria for requiring in zone A that:
  - (a) All new construction or substantial improvement of residential structures have the lowest floor (including basement) elevated to or above the base flood elevation;
  - (b) That all new construction or substantial improvements of non-residential structures have the lowest floor (including basement) elevated to or above the base flood elevation; or together with attendant utility and sanitary facilities, shall:
    - (i) be flood-proofed so that below the base flood elevation the structure is watertight with walls substantially impermeable to the passage of water;
    - (ii) have structural components capable of resisting hydrostatic and hydrodynamic loads effects of buoyancy; and
    - (iii) 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 section;
  - (c) 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 elevation; and be securely anchored to resist flotation, collapse, or lateral movement. Methods of anchoring may include, but are not limited to, use of over the top or

frame ties to ground anchors. This requirement is in addition to applicable state and local anchoring requirements for resisting wind forces;

- (d) All recreational vehicles placed on sites within Zone A shall:
  - (i) be on site for fewer than 180 consecutive days;
  - (ii) be fully licensed, on wheels or jacking system, attached to the site only by quick disconnect type utilities and security devices, and have no permanently attached additions; or meet all standards of this ordinance and the elevation and anchoring requirements in this ordinance.
  
- (e) 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: (1) the enclosed area is unfinished or flood resistant, usable solely for the parking of vehicles, building access or storage; (2) the area is not a basement; (3) 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 and exit of floodwater.

### **Item IX. Variances and Appeals**

1. Any order, requirement, decision or determination of the Board of Selectmen made under this ordinance may be appealed to the Zoning Board of Adjustment as set forth in RSA 676:5
  
2. If the applicant, upon appeal, requests a variance as authorized by RSA 674:33, I, the applicant shall have the burden of showing in addition to the usual variance standards under state law:
  - (a) that the variance will not result in increased flood heights, additional threats to public safety, or extraordinary public expense.
  - (b) 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.
  - (c) that the variance is the minimum necessary, considering the flood hazard, to afford relief.
  
3. The Zoning Board of Adjustment shall notify the applicant in writing that: (i) the issuance of a variance to construct below the base flood level will, result in increased premium rates for flood insurance up to amounts as high as \$25 for \$100 of insurance coverage and (ii) 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.

4. The community shall (i) maintain a record of all variance actions, including their justification for their issuance, and (ii) report such variances issued in its annual or biennial report submitted to FEMA's Federal Insurance Administrator.
5. Pursuant to RSA 674:57 by resolution of the Campton Board of Selectmen, all lands designated as special flood hazard areas by the Federal Emergency Management Agency (FEMA) in its "Flood Insurance Study for the County of Grafton, NH" dated 2/20/08, together with the associated Flood Insurance Rate Maps dated 2/20/08, are declared to be part of the Town of Campton's Zoning Ordinance and are hereby incorporated by reference.

## **ARTICLE V OTHER REQUIREMENTS**

### **5.01 NONCONFORMING USES AND LOTS**

1. Except as provided in paragraph 2. below, a nonconforming use may not be changed to another nonconforming use or reestablished after discontinuance of one year, except to a use conforming to the zone in which it is located, nor may it be expanded so as to take up more area on the property than it did at the time of adoption of the Zoning Ordinance provision with which it is nonconforming.
2. Nonconforming industrial or manufacturing uses within the town shall be allowed to continue industrial and manufacturing activities and may be changed to other industrial and manufacturing activities by Special Exception. Such uses may not be expanded on property owned by said businesses and their assigns at the date of adoption of this Ordinance and contiguous and appurtenant to said industrial operations except by Special Exception. Activities granted a Special Exception under this provision must conform to the Light Industrial Zone requirements existing at the time of the application for a Special Exception.
3. All non-conforming lots on record at the Grafton County Registry of Deeds prior to the enactment or amendment of this Ordinance affecting the lot shall be considered buildable lots provided:
  - a. All required setbacks will be met and all other requirements pertaining to the proposed use are met with the exception of minimum lot size and frontage.
  - b. A NHDES septic system permit has been obtained if not on municipal sewer.
  - c. A source of water is available on the lot with a protective radius required by NHDES unless on a public water supply.

### **5.02 PARKING**

Adequate off-street loading, delivering, and parking shall be provided whenever any new use is established or any existing use is enlarged in accordance with the following specifications:

- a. All new construction of institutional, commercial, or industrial uses requiring off-street loading or unloading facilities shall provide such facilities so that delivery vehicles are parked off the traveled way and have adequate room to maneuver without backing into the traveled way.
- b. All proposed new development shall provide for adequate off-street parking spaces in accordance with the following standards. A single parking space is defined as being 10 feet by 20 feet in area and having additional adequate area for maneuvering.
  - i. Residential use: two spaces for each dwelling unit.
  - ii. Hotel, motel, tourist accommodations, lodging establishment: one and one eighth space for each unit.
  - iii. Commercial and industrial: one space for each three anticipated patrons and/or employees on the premises at any one time.
  - iv. Restaurant, bar, lounge or other such establishment: one space for each three seats available.
  - v. Public assembly: any theater, hall, or auditorium: one space for each six seats available.
  - vi. When one building is used for more than one of the above uses, the number of spaces shall be determined by figuring the number required by each individual use and adding them to arrive at a total.

## **5.03 SIGN REGULATIONS**

### **A. PURPOSE**

The Sign Regulations provide for the installation, maintenance and display of signs in the Town of Campton. The provisions of this section shall govern the construction, alteration, repair and maintenance of all signs together with the associated appurtenant and auxiliary devices in respect to structural and fire safety.

When reading and using this document, the INTENT of each section should carry more weight in decision making than the specific wording of each section. An attempt is made to state the intent at the beginning of each section. This statement of intent should be used as a guide to interpretation of any specific paragraph or provision.

It is the intent of these Sign Regulations to support the general provisions of the Campton Town Master Plan which seeks to preserve the visual New England rural character of Campton. The following provisions were designed to encourage reasonable uniformity in the size, treatment and presentation of signs used to call attention to the existence of a business, activity, product or service. The ultimate goal of these Sign Regulations is to ensure traffic safety, prevent obstruction in rights-of-way, allow the existence of signs that aid orientation

and identification of uses and activities to the public without degradation of the surrounding property or properties in any area, while, at the same time, understanding and meeting the need for adequate business identification and advertising.

## **B. DEFINITIONS**

1. **AWNING SIGN:** Any visual message incorporated into an awning attached to a building.
2. **COPY-CHANGE SIGN:** A sign on which the visual message may be periodically changed. Example: Reader boards.
3. **DIRECTIONAL SIGN:** A sign limited to providing directional or guide information on the most direct or simple route for on-site public safety and convenience. Directional signs may be located adjacent to driveways. Examples: “in,” “out”, “entrance,” “exit,” and “parking.”
4. **EVENT-SPECIFIC SIGN:** A non-prohibited temporary sign to be used to announce an event such as a festival, dance, business opening, sale, meeting, fundraiser, parade and information about political candidates and other events which have a short duration.
5. **FREE STANDING SIGN:** A self supporting sign not attached to any building, wall or fence but separate and affixed in or upon the ground. Included are pole signs, pylon signs, monolith and masonry wall-type signs. This does not include portable or mobile trailer type signs.
6. **GRANDFATHERED SIGN:** A non-conforming sign which legally exists, prior to March 2002, and is allowed to remain even though it may not meet the terms of this Ordinance.
7. **GROUND SIGN:** A sign supported by uprights or braces in or upon the ground surface.
8. **HISTORIC PLAQUE:** A marker, erected by federal, state, or local authority, identifying a historic place, name and/or date.
9. **HOLIDAY PERIOD:** A 30 day, or less, period of time surrounding a state recognized holiday, all of which time may be spent before or after the holiday.
10. **HOME OCCUPATION SIGN:** A sign which identifies a home occupation.
11. **ILLUMINATED SIGN:** Any sign illuminated by electricity, gas or other artificial light either from the interior or exterior of the sign and which includes reflective and/or phosphorescent surfaces.
12. **INFORMATION SIGN:** A sign, without advertising, designed and intended to convey information about a permitted use, to convey regulations or restrictions, or otherwise to provide needed guidance to the general public.
13. **LINEAL BUILDING FRONTAGE:** The length of a ground level straight line of lines



parallel to and equaling the length of the building front that includes the main public entrances(s) or the side of the building fronting on the principal roadway. In the case of a multi-unit development, the frontage of each separate building is additive for the purpose of determining permissible sign area.

14. **MOBILE SIGN:** See Portable Sign.
15. **NON-CONFORMING SIGN:** A sign which does not comply with the provisions of this Ordinance.
16. **OFF-PREMISES SIGN:** A sign unrelated to a business or a profession conducted, or to a commodity or service sold or offered, upon the premises where such sign is located.
17. **OFF-PREMISES DIRECTIONAL SIGN:** A sign for the purpose of directing the general public to a business, activity, service or community event within the Town of Campton. Off-premises directional signs must be part of an approved Sign Master Plan.
18. **PERSON:** Any individual, corporation, unincorporated association or other legal entity.
19. **PORTABLE SIGN:** A sign capable of being readily removed or relocated, and not attached to the ground, a building, a structure or another sign. This includes moveable signs mounted on a chassis, "A" frame and/or wheels, or supported by legs. This sign is to be removed on a nightly basis.
20. **PROJECTING SIGN:** A sign that is attached to the building wall or structure and which extends horizontally more than 6 inches from the plane of such wall, or a sign which is placed perpendicular to or at no less than a 45 degree angle to the face of such wall or structure.
21. **REAL ESTATE SUBDIVISION SIGN:** A sign that is erected to inform the public that a subdivision is being constructed and that one or more real estate agents represent the sale of lots or buildings within this subdivision.
22. **REFLECTING SIGN:** A sign which uses glass beads or some artificial substance whose primary purpose is to reflect light and cause this sign to "glow" when illuminated.
23. **REPRESENTATIONAL SIGN:** A three-dimensional sign built to physically represent the object advertised.
24. **RESIDENTIAL SIGN:** A sign which gives a name to a residence or farm such as "Lazy Acres."
25. **ROOF SIGN:** A sign which is erected, constructed and maintained above the roof of the building. This includes any painting on the roof of a structure or design in the roofing

material which effectively constitutes a sign.

26. **SEASONAL AGRICULTURAL SIGN:** Sign displayed during the harvest of the item advertised.
27. **SEASONAL SIGN:** Sign displaying seasonal activities.
28. **SIGN:** Any fabricated sign or outdoor display structure, including its structure, consisting of any letter, figure, character, mark, point, plane, marquee, design, poster, pictorial, picture, stroke, stripe, line, trademark, reading matter of illuminating device, which is constructed, attached, erected, fastened or manufactured in any manner so that the same shall be used for the attraction of the public to any place, subject, person, firm, corporation, public performance, article, machine or merchandise, and displayed in any manner out of doors, or indoors as a window sign, for advertising purposes.
29. **SIGN DIRECTORY:** A listing of two or more business enterprises, consisting of a matrix and sign components.
30. **SIGN STRUCTURE:** The supports, uprights, bracing and framework for the sign.
31. **SIGN SURFACE AREA:** The entire area within a single, continuous perimeter enclosing all elements which form an integral part of the sign. The structure supporting a sign pole, covers or architectural embellishments shall be excluded unless the structure is designed in a way to form an integral background for the display. For purposes of calculating sign surface area, only one face of a double-faced, free-standing sign shall be included as surface or area of such sign. In the case of a sign consisting of 2 or more sides where the angle formed between any 2 or more sides exceed 30 degrees, each side shall be considered a separate sign area.
32. **SIZE:** See "sign surface area" above.
33. **SUBDIVISION SIGN:** A sign which states the name of the subdivision only and does not advertise lots and/or homes for sale nor agents to contact for such sales. Example of such signs are: "Crestwood," "Fieldstone," "Richland Estates" and "Sunset Heights."
34. **TEMPORARY SIGN:** A sign constructed of cloth, fabric, or other lightweight temporary material with or without a structural frame intended for a limited period of display.
35. **TOWN:** The Town of Campton and/or its governing body.
36. **WALL SIGN:** A sign that is painted on, incorporated into or affixed parallel to the wall of a building and which extends not more than 6 inches from the surface of the building.
37. **WINDOW SIGN:** A sign visible from a sidewalk, street or other public place, painted onto or affixed to glass or other window material, or located inside within 2 feet of the

window, but not including graphics in connection with customary window display of products.

### **C. GENERAL REQUIREMENTS**

Unless specifically addressed under a particular section, all signs must comply with the provisions listed under this section. This section also provides guidance and standards for construction of signs requiring permits and shall also serve as guidance for the construction of exempt signs.

1. All signs and sign structures shall be painted/fabricated in a professional manner in keeping with generally accepted construction standards of quality and design.
2. All signs, sign structures and their appurtenant illumination devices shall be constructed in accordance with the Town-adopted codes and regulations.
3. Unless otherwise specifically provided for in other sections of this Ordinance, no person shall erect, display, relocate, or reconstruct any sign, sign structure or outdoor display structure in any district without going to the Selectmen's Office and obtaining a permit.
4. Prior to granting a sign permit the Selectmen shall provide an opportunity for the Planning Board to review and comment and to make a determination on the need for Site Plan Review.
5. A permit is not required for repair or maintenance of an existing sign as long as the repair or maintenance does not include the cutting away of the sign structure or any alteration changing the original sign's appearance, including but not limited to, color and other sign attributes.

### **D. APPLICATION FOR PERMIT**

1. All applications for sign permits shall be filed by the property owner or owner in fee. Applications shall be filed with the Selectmen's Office. All applications shall bear the signature of the building or property owner or shall include a signed affidavit, by the owner, granting authorization for the applicant to apply for and install the proposed sign.
2. All applicants for sign permits shall indicate all proposed materials to be used, including the support system configuration and design. The location of the proposed sign shall be included, showing all dimensions and measurements to property lot lines, principal building and other permanent structures.
3. All applicants for sign permits shall submit construction documents that include a drawing of the proposed sign showing size, dimensions, color and lettering styles.

4. All applicants for sign permits shall include any and all information deemed necessary by the Code Enforcement Officer to ensure that the proposed sign complies with all applicable codes and Zoning Ordinance requirements.
5. All applicants for sign permits shall be required to submit a fee for filing and no permit shall be deemed complete until all applicable fees are paid to the Town of Campton, N.H. A schedule of fees for sign permits will be established and/or amended from time to time by the Board of Selectmen. Such fee changes shall not be deemed to be an amendment to this Ordinance.

#### **E. PERMITS**

1. The Code Enforcement Officer shall review and act upon all applications for sign permits and amendments thereto, within 7 days after filing. If the application or the construction document conform to the Sign Regulations and other applicable requirements of this Ordinance, if any, and Building Code and are complete, the Code Enforcement Officer shall submit the application to the Selectmen, who shall act upon the application at their next regularly scheduled meeting or within 30 days. If the application or the construction documents do not conform or are not complete, the Code Enforcement Officer shall notify the applicant in writing, stating the deficiencies and advising the applicant of his right to amend and resubmit the application to the Code Enforcement Officer or appeal the Code Enforcement Officer's decision directly to the Zoning Board of Adjustment within 30 days.
2. Any permit issued shall become invalid if the sign is not erected within 6 months after the date of issuance.

#### **F. OFF-PREMISES SIGN**

1. As of March 14, 1995, no sign shall advertise a business located outside the Town of Campton; no off-premises signs except those advertising an agricultural business shall be allowed without a Special Exception. Off-premises signs shall be defined as a sign located on any parcel of land other than the parcel of land housing the business in question.
2. In reference to existing off-premises signage, all changes shall be defined as any alteration to the structural, artistic or textural aspects of an existing sign. The sign may not be increased in size except by Special Exception. Maintenance to existing signs is permitted, as long as no changes of any nature, defined above, are undertaken.
3. If an off-premises sign is destroyed, the owner of the sign shall have 90 days to re-establish the sign to its original site or otherwise comply with these regulations.

#### **G. PROHIBITED SIGNS**

This section intends to list specifically some prohibited signs. This list is not meant to be inclusive. Rather, it should be representative of the kinds of signs which are prohibited in the community. The following are examples of prohibited signs:

1. Animated or moving signs, or signs which are made to appear to move;
2. Any internally lit signs, reflecting signs or “neon” signs which emit light or utilize any flashing light;
3. Any off-premises directional signs bearing advertising or which are not a part of an approved Sign Master Plan;
4. Mobile or portable signs except as may be permitted by Special Exception;
5. Roof Signs;
6. Free-standing signs exceeding 10 feet in height as measured from the average ground or road elevation, whichever is greater, to the top of the sign or its supporting structure;
7. Signs, which impair or cause confusion of vehicular or pedestrian traffic in their design, color, placement or display characteristics. No sign shall impair visibility for the motorist at a street corner or intersection by placement and location within 25 feet of the intersection of the street or highway lines;
8. Banners, pennants, ribbons, streamers, spinners or similar moving fluttering or revolving devices except "Open" flags as described in Exemptions section;
9. An advertising message extended over more than one sign placed along a street or highway unless as an integral part of a Sign Master Plan;
10. Signs attached to fences, trees, utility poles, rocks or other parts of a natural landscape, or in a position that will obstruct or impair traffic or in any manner create a hazard or disturbance to the health, safety and welfare of the general public;
11. Two permitted or exempt signs combined to create a larger sign;
12. Outdoor displays or display structures, except that display stands on a farm premises shall be permitted, subject to other provisions of this Ordinance;
13. Temporary signs except as may be permitted as an Event-Specific sign;
14. Umbrella signs; and
15. Any other sign not expressly permitted by these Sign Regulations.

#### **H. EVENT-SPECIFIC/SEASONAL SIGNS**

This section provides for any sign which is not intended for permanent display with the exception of some real estate signs as described in the Real Estate Signs section and seasonal agricultural signs. This section is intended to allow for event-oriented signs including but not limited to signs which display information about political candidates, festivals, dances, business openings, sales, meetings, fund raisers, parades and events which have a definite short term conclusion. It is the intent of this section that a single physical sign, with the exception of copy-change signs, or different signs displayed consecutively shall be considered as one sign and the days that these signs are displayed shall be cumulative. Such signs shall not be displayed for more than 35 days in any 12-month period (this is not intended to mean a calendar year).

Any sign which is displayed for more than 35 days in any consecutive 12-month period is considered a permanent sign and shall not be considered under this section of the Ordinance. The Board of Selectmen is authorized to determine that a proposed event-specific sign is instead, under the terms of this Ordinance, a permanent sign subject to all provisions of this Ordinance applicable to permanent signs.

1. Event-specific signs must have permission of the property owner.
2. Event-specific signs must receive a permit from the Selectmen.
3. Event-specific signs may be displayed no more than 30 days in advance of an event (including the date of the event) and must be removed no more than 5 days after the event.
4. Event-specific signs may not be attached to utility poles nor positioned where they will obstruct or impair traffic or in any manner create a hazard or disturbance to the health, safety and welfare of the public.
5. Event-specific signs shall not exceed 32 square feet of sign surface area.
6. Political posters shall not exceed 6 square feet of sign surface area.
7. The Selectmen, after affording the Planning Board an opportunity for review and comment, have the discretion to vary the terms and conditions identified in this EVENT-SPECIFIC section.
8. Seasonal signs may be displayed for a maximum of 6 months in any 12-month period.

## **I. ILLUMINATION STANDARDS**

This section is intended to allow for the illumination of signs for public visibility during non-daylight hours. Any device and/or electrical component shall illuminate the sign only and shall not cast light, glare or reflected light on adjacent buildings or roadways or create a nuisance to abutters. Nor shall illumination cause distraction to drivers of passing vehicles. Illumination shall be of low intensity and shall be directed so that the sign is adequately lit

with a subdued light falling only on the subject sign. The minimum amount of lighting required to allow this sign to be visible shall be used and be appropriate to the character of the sign and surroundings.

1. A sign shall be illuminated only by a steady or continuous white light.
2. A sign must not flash either from interior or exterior light sources.
3. A sign shall not contain any “neon” lighting.
4. Holiday displays are the only instance when illuminated bulbs or strings of light are allowed, except for those lights directed at and intended to illuminate a sign. Holiday displays may only remain lighted during the specific Holiday period.
5. Signs shall be illuminated so that no hazard is created to pedestrian or vehicular traffic due to intensity or direction of illumination.

#### **J. CONSTRUCTION AND SAFETY STANDARDS**

This section provides for signs and sign structure that will be structurally sound and built to withstand New England weather. This section also intends to provide for the safety of the general public with respect to any erected sign.

1. All signs and sign structure are to be constructed of good quality material and should be structurally safe in design and installation.
2. Signs shall not be permitted to be poorly located, improperly maintained, abandoned, or allowed to deteriorate, so as to pose a threat to public safety or to degrade the aesthetic appearance of the town.
3. Signs shall not impede the visibility of traffic or create other dangerous conditions with respect to vehicular drivers and/or pedestrians.
4. Permanent signs should be built to last ten years or more.
5. All signs should be kept in proper repair and should not be allowed to deteriorate structurally or fade beyond recognition.
6. All signs, sign finishes, supports and electric work shall be kept clean, neatly painted and free from all hazards, such as, but not limited to, faulty wiring and loose supports, braces, guys and anchors.
7. All signs should be constructed to withstand 80 mile per hour winds and shall be maintained to continue to meet this safety standard.
8. All signs, with the exception of "Open" flags, shall be securely anchored.

#### **K. EXEMPTIONS**

The following types of sign may be erected and maintained without permits and fees, provided that such signs otherwise comply with the general requirements of these Sign Regulations, and adhere to general construction and safety standards and other conditions specifically imposed by all other regulations. Any sign required by state or federal regulations may supersede the requirements of this Ordinance.

1. Signs erected or posted and/or maintained for public safety and welfare or pursuant to governmental function, law, regulation or ordinance.
2. Directional signs solely indicating entrance and exit placed at driveway locations. These should contain no advertising and shall not exceed 3 square feet of sign surface area nor extend higher than 4 feet above the average ground level.
3. Signs relating to trespassing, and/or hunting, hiking, walking. These signs shall not exceed 2 square feet of sign surface area unless part of a Conservation Area Sign Master Plan.
4. Historic plaques which mark a historic site, stone, monument, marker or other item/place of historic significance. These such markers shall not exceed 2 square feet in sign surface area. This paragraph shall not be deemed to regulate any plaque which is mounted on and is a part of the historic monument, but merely the plaque which identifies such an item or place. For example, a list of names mounted on a monumental stone or other edifice shall not be regulated under this Ordinance.
5. "Open" Flags: These are flags of approximately 3 feet by 5 feet in size, usually red, white and blue in color and solely contain the word "Open." Properties are limited to one Open Flag unless the property is located on a corner and has 2 sides on a public way in which case that property may use 2 Open Flags.
6. Flags and insignia of any government except when displayed in connection with commercial promotion.
7. Number and name plates identifying residents, mounted on a house, an apartment, or a mailbox, not exceeding 2 square feet in sign surface area.
8. Lawn signs identifying residents with no more than 2 faces and not exceeding 2 square feet of sign surface area per face. Such signs are to be non-illuminated except by a light which is an integral part of a lamp post if used as a support with no advertising message thereon.
9. Yard Sale/Private owner merchandise sale signs for garage sales and auctions, not exceeding 2 square feet of sign surface area for a period not exceeding 7 days.
10. Temporary non-illuminated "For Sale," "For Rent," real estate signs and signs of similar nature, concerning the premises upon which the sign is located. All such signs shall not exceed 5 square feet of sign surface area and must be removed within 3 days



after the sale, lease or rental of the premises. Refer to Real Estate Signs section.

11. Non-illuminated window signs and posters not exceeding 25% of the window surface on which the sign(s) is displayed.
12. Holiday decorations and lighting may be displayed without a permit.
13. Integral graphics or attached price signs on fuel pumps at automobile service stations.
14. Decals used to reference authorized services (e.g. credit or bank card) when not exceeding 144 square inches in total display area per business.
15. Charitable activities.

#### **L. RESIDENTIAL AND SUBDIVISION SIGNS**

This section addresses those signs which pertain to residences and residential subdivisions.

1. Residential signs (signs which name a residence or farm, such as “Lazy Acres”) can contain no more than 10 square feet of sign surface area. Permitted Home Occupation signs can contain no more than 3 square feet and must be mounted on the residence.
2. Subdivision signs (which state the name of the subdivision) shall contain the name of the subdivision only and shall not exceed 16 square feet of sign surface area. Subdivision signs shall not advertise lots and/or homes for sale nor agents to contact for such sales. Example of such signs are “Crestwood,” “Fieldstone,” “Richland Estates,” and “Sunset Heights.”

#### **M. AGRICULTURAL SIGNS**

This section addresses those signs which apply to agricultural enterprises and is intended to give more latitude to agricultural businesses in keeping with the goals of Campton Master Plan to preserve the rural/agricultural character and assets of Campton. It is also the intention of this section to encourage the adoption of a Sign Master Plan by agricultural enterprises.

1. Seasonal and off-premises agricultural signs (signs advertising a particular product during its harvest season) shall not exceed 20 square feet of sign surface area. Such signs shall require an initial permit which shall automatically renew during subsequent seasons except that a new and/or different sign and/or location shall require a new permit.
2. Permanent agricultural signs shall not exceed 20 square feet of sign surface area.
3. An agricultural enterprise may adopt a Sign Master Plan which would allow for off-

premises directional signs and would increase the maximum amount of sign surface area available for marketing purposes at its primary location. Refer to the Sign Master Plan section.

## **N. REAL ESTATE SIGNS**

This section provides for those signs normally used by real estate agents in the advertising of lots or homes for sale. Such signs are considered “Sale Signs” and are not those signs which are erected to inform the public that a subdivision is being constructed and that one or more real estate agents represent the sale of lots or buildings within the subdivision. This latter type of sign is considered a “Real Estate Subdivision Sign,” is an advertisement and should not be construed to be a Subdivision Sign as described in the Residential and Subdivision Signs section.

This section allows a new subdivision to erect a larger sign than is normally permitted at its entrance, for the purpose of marketing of lots and buildings. It is not intended to allow for the marketing of older or pre-sold homes or lots. Real Estate Subdivision Signs shall not be erected to advertise one or more lots or buildings on a particular street after the newly built subdivision has been marketed. This type of marketing calls for “Sale Signs.”

1. Sales Signs may not exceed 5 square feet of sign surface area.
2. Sales Sign shall not exceed one per lot except that corner or double frontage lots may have one on each front.
3. Sales signs shall not be used as off-premises advertising.
4. Sales Signs must be removed within 7 days after a sales transaction is complete.
5. Off-premises directional signs are allowed for the purpose of directing the public to an “Open House” and do not require a permit. Such signs may not exceed 4 square feet of sign surface area. Messages shall be limited to name or identification, arrow or direction, and distance. Off-premises directional signs may be erected no earlier than three (3) days prior to the “Open House” has begun and must be removed no later than one (1) day after the “Open House” has ended.
6. Real Estate Subdivision signs require a permit.
7. Real Estate Subdivision Signs located within an Industrial Zone shall not exceed 32 square feet of sign surface area and may be double-faced.
8. Real Estate signs located in areas not mentioned above shall not exceed 32 square feet of sign surface area and will be single-faced.

9. Real Estate Subdivision Signs shall be removed when all lots are initially sold or a maximum of 2 years from sign permit approval.

## **O. BUSINESS AND INDUSTRIAL SIGNS**

This section provides for those signs used by business entities in the Commercial Zone and the Light Industrial Zone. This section is meant to address anything which advertises, names, calls attention to or informs the general public of any product sold or service performed on the premises.

1. A single business, single building, may have one sign not to exceed 32 square feet of sign surface area.
2. A single business, single building, which is located on a corner lot may have 2 signs facing each public view. The total maximum sign surface area is not to exceed 32 square feet.
3. A group of 2 or more business and/or industrial buildings may have one sign per entrance from a public road. Each sign is limited to a maximum of 100 square feet of sign surface area and must be free-standing. Individual occupants within a building or collection of buildings may have, in addition, 1 sign with up to 6 square feet of sign surface area per occupant on the exterior of the building. In addition to the above, each individual occupant may have 1 sign with up to 2 square feet of sign surface area at its rear entrance.
4. A group of 2 or more industrial buildings located in an Industrial Zone may have one sign per entrance from a public road. Each sign is limited to a maximum of 100 square feet of sign surface area and must be free-standing. Individual occupants within a building or collection of buildings may have, in addition, one sign with up to 10 square feet of sign surface area per occupant on the exterior of the building. In addition to the above, each individual occupant may have one sign with up to 2 square feet of sign surface area at its rear entrance.
5. A grandfathered sign shall be made compliant if and when a business ceases operation.

### **6. PROJECTING SIGNS**

- a. May not exceed 10 square feet of sign surface area.
- b. May have a structure that is attached to the building wall or structure and extends horizontally more than 6 inches from the plane of such wall or structure and can be no closer than 2 feet from the public right-of-way.
- c. Must be placed at a perpendicular angle or at an angle no less than 45 degrees from the wall or structure.

- d. Which overhang a public way, private street/road or sidewalk or path where pedestrians travel shall be covered by a public liability insurance policy which indemnifies the Town of Campton. A certificate of insurance shall be forwarded to the Town which shall also be notified by insurance company should the coverage be discontinued for any reason.
- e. Must not interfere with fire and rescue operations.

7. AWNINGS

- a. Graphics may be painted, affixed or flat on the surface of the front or sides.
- b. Graphics shall indicate only the name and/or address of the enterprise or premises.
- c. Shall conform to Town-adopted ground clearance codes.

8. COPY-CHANGE SIGNS

- a. Are allowed to display daily specials and other messages that may be posted either digitally or manually.
- b. Must be part of the permanent signage and adhere to general construction standards and be professionally manufactured. Manually applied lettering is limited to 4 inches in height and should be made from rigid polycarbonate materials.
- c. May exist only in Commercial Zone and Light Industrial zone.

9. CONTRACTOR'S SIGNS

Shall not exceed 9 square feet of sign surface area and may be displayed while the contractor is actually working on the property and shall not be displayed more than one week prior to such work commencing and no later than one week after the work is complete.

**P. OFF-PREMISES DIRECTIONAL SIGNS**

No sign may be placed on public property except as part of and in conformance with a municipal, state or federally-sanctioned sign program. The Board of Selectmen may at their sole discretion administer a directional sign program to aid the public in locating area businesses and organizations, and to reduce the number of non-conforming off-premises signs as follows:

- 1. Maximum size of each sign on a town sign pole shall be 3 feet by 8 inches.
- 2. Maximum of 3 signs per pole.

3. Signs shall have green background with white lettering.
4. Logos for business and standard service symbols are allowed.
5. The town may collect an annual fee for maintenance and repair of signs.
6. The town will erect and maintain the sign.
7. Selectmen shall designate the location for the town sign pole after affording the Planning Board with an opportunity for review and comment.
8. Approval shall be contingent upon removal of another off-premises sign, if any, associated with the business.
9. The location and number of directional signs will be determined by the Selectmen after affording the Planning Board with an opportunity for review and comment.

## **Q. SIGN MASTER PLANS**

This section details additional signage allowed for those clusters of businesses and/or buildings, agricultural enterprises, and land conservation areas where adherence to the standard provisions of this Ordinance could result in a clutter of signs and detract from the aesthetic appearance of the environment. The intent of this section is to promote a uniform and aesthetic message presentation that is designed to provide information to the general public through its design and coordination of elements.

1. Unless specifically provided for in this section, the general provisions of the other sections of these Sign Regulations shall govern.
2. Sign Master Plans are encouraged in the following situations:
  - a. Where groups of 3 or more contiguous commercial and/or industrial units/lots are to be located together in a development.
  - b. Where one or two businesses total not less than 20,000 square feet of gross leasable area.
  - c. Where 3 or more individual businesses on contiguous lots so elect.
  - d. For all agricultural enterprises.
  - e. For land conservation areas.
3. The development (described in paragraph 2. above) may adopt a sign Master Plan to govern advertising and shall present such plan to the Planning Board for site plan approval.
4. A Sign Master Plan approved by the Planning Board shall detail the placement, design, color coordination, visibility, and compatibility with the general design of the cluster of business or development.
5. GENERAL REQUIREMENTS:
  - a. Total signage area for the entire development or cluster shall be calculated at the

rate of 2 square feet of sign surface area per foot of lineal building front if applicable.

- b. Each Sign Master Plan may provide for one common, free standing, sign denoting the name of the facility, not exceeding 80 square feet in sign surface area and with a bottom panel not less than 10 feet above the average ground or road elevation, whichever is greater, and a maximum height of 10 feet as measured from the same point.
- c. All secondary signs in the Sign Master Plan shall be attached to buildings or walls and shall be coordinated in material, shape, lettering, color and/or decorative elements.
- d. Informational and directional signs, with the exception of uniform traffic control devices, shall be consistent with the general sign design of the development or cluster and are exempt from the total sign area calculation provided they do not contain advertising.

## **R. GRANDFATHERED SIGNS**

It is the intention of these Sign Regulations to encourage grandfathered signs to come into conformity with the provisions of this Ordinance. The Planning Board may, as part of site plan review, approve the reconstruction of a grandfathered sign to meet or better approximate the provisions of these Sign Regulations. Any grandfathered sign which is to be structurally altered, relocated or replaced so as to be more compliant with other provisions of these Sign Regulations shall be allowed by the Selectmen after affording the Planning Board an opportunity for review and comment.

1. Grandfathered signs are allowed to remain even though these signs may not meet the terms of this Ordinance.
2. A grandfathered sign may be maintained but shall not be enlarged or replaced by another more non-conforming sign.

## **5.04 VENDING MACHINES**

It is the intent of this section to control where and when exterior vending machines are allowed; this section means to provide a special process for dealing with vending machines on an individual basis.

1. Exterior vending machines are permitted by Special Exception in any zoning district where they are compatible with the surroundings.
2. Any applicant who applies for a Special Exception to install a vending machine shall also specifically address in the application the method of lighting desired, if any. Approval of a vending machine does not automatically grant approval of

lighting.

3. The Zoning Board of Adjustment shall hear and act on a vending machine request in the same manner as it acts on other Special Exception applications.

## **5.05 IMPACT FEES**

1. **Declaration of Purpose and Intent:** The purpose of this Article is to authorize the Planning Board, as a condition of subdivision or site plan approval, to require a developer to pay reasonable fees and exactions for off-site improvements occasioned by the proposed development, as authorized by the New Hampshire Supreme Court in cases such as Land-Vest Properties, Inc. v. Town of Plainfield, 117 N.H. 817 (1977) and N.E. Brickmaster, Inc. v. Town of Salem, 133 N.H. 655 (1990). In addition, this Article is intended to comply with the Court's ruling in Simonsen v. Town of Derry, No. 98-153(November 15, 2000) that such fees and exactions cannot lawfully be imposed in the absence of an impact fee ordinance enacted pursuant to RSA 674:21, V.
2. **Authority of Planning Board:** The Planning Board may, as a condition of approval of any subdivision or site plan application, require an applicant to pay an impact fee representing the applicant's fair share of off-site improvements to existing or future public facilities affected or required by the proposed development. Nothing in this section shall be construed to:
  - a. limit the existing authority of the Planning Board to disapprove proposed development which is scattered or premature;
  - b. limit the existing authority of the Planning Board to disapprove proposed development which would require an excessive expenditure of public funds;
  - c. limit the existing authority of the Planning Board to disapprove proposed development which would otherwise violate any applicable ordinance or regulation;
  - d. limit the existing authority of the Planning Board to require off-site work to be performed by an applicant in lieu of paying an impact fee;
  - e. limit the existing authority of the Planning Board to impose other types of conditions of approval; or
  - f. affect or alter in any way fees governed by any other statute, ordinance or regulation.

3. **Amount of Impact Fee:** The amount of any impact fee shall be calculated by the Planning Board to be a proportional share of the costs of municipal capital improvements reasonably related to the capital needs created by the proposed development, and to the benefits accruing to the development from the capital improvements financed by the fee. Upgrading of existing facilities and infrastructures, the need for which is not created by new development, shall not be paid for by impact fees.
  
4. **Accounting:** Pursuant to RSA 673:16, II and RSA 674:21, V(c), impact fees shall be held in a separate, non-lapsing account, shall not be commingled with other town funds, and shall be used solely for the capital improvements for which they were collected, or to recoup the cost of capital improvements made in anticipation of the needs which the fees were collected to meet. Such fees shall be paid out only upon order of the Planning Board or its designated agent.
  
5. **Assessment and Payment:** Impact fees imposed under this Article shall be assessed prior to, or as a condition for, final subdivision or site plan approval, and shall be paid prior to the issuance of any building permit, or at such other time as may be specified by the Planning Board. In the interim between assessment and payment, the Planning Board may require a developer to provide a bond, letter of credit or other suitable security to guarantee the future payment of assessed impact fees.
  
6. **Refund:** Any portion of an impact fee which has not been expended or legally bound to be expended for the purpose for which it was collected shall be refunded with accrued interest, if any:
  - a. when the subdivision or site plan approval expires under the rules of the Planning Board, or under the terms of a decision of the Planning Board, where such approval has not become vested under RSA 674:39 and no extension of approval has been granted by the Planning Board;
  - b. when the approval is revoked under RSA 674:4-a; Town of Campton Subdivision Regulations Section 13 Page 22
  - c. when the approval is reversed by a final, un-appealable judgment of a court of competent jurisdiction; or
  - d. six years after the impact fee is paid, or six years after the date any extension of approval is granted by the Planning Board, whichever occurs last.



7. **Appeals:** Pursuant to RSA 674:21, V(f) and RSA 676:5, III the assessment of any impact fee under the authority delegated to the planning board by this Article cannot be appealed to the Zoning Board of Adjustment, but may be appealed only to the superior court as provided by RSA 677:15. Notwithstanding Article 18, the Zoning Board of Adjustment shall not have the authority to hear appeals of, or grant a variance from, the assessment of any impact fee.

## **ARTICLE VI SPECIAL LAND USES**

### **6.01 OPEN SPACE DEVELOPMENT**

- A. The Town of Campton finds the preservation of working forest lands, commercial agricultural operations and open space is consistent with historical land uses in the Town of Campton and minimizes the demand for Town services and schools.

It is in the public interest to attempt to further, without expenditure of additional public funds, the objectives of the state's Land Conservation Investment Program (RSA 221-A) to maintain New Hampshire's distinctive quality of life by balancing strong economic growth with responsible conservation initiatives by enacting appropriate land use controls.

- B. To implement the findings set forth in subsection A, in any subdivision which includes a conservation easement on a portion of the lands within the subdivision and which meets the requirements of subsection C, frontage requirements may be reduced as provided in subsection D.
- C. In order for this section to apply, the following criteria must be met and the approval of the subdivision by the Campton Planning Board shall incorporate conditions and restrictions which shall be recorded in the Grafton County Registry of Deeds:
  - i. The number of building lots in the subdivision shall not exceed one-fifth (1/5th) of that allowed under the zoning regulations for the applicable zone (including soils and/or slope restrictions).
  - ii. A conservation easement covering at least fifteen (15) acres of property within the parcel to be subdivided shall be placed on all land in the parcel except the building lots, driveways, and such other areas as may be approved by the Planning Board as necessary and reasonable in accord with the purposes of this section.
  - iii. Each building lot shall be restricted to a single dwelling unit.

- iv. Prior to transfer of title of any lot in the subdivision, the conservation easement must be conveyed.
  - v. Layout of lots and driveways within the subdivision should minimize visual impacts while retaining the maximum forestry, agricultural and/or open space values.
- D. In any such subdivision as approved by the Planning Board there shall be no minimum frontage requirements for lots when on an internal road other than the provisions of RSA 674:41.
- E. In this section “conservation easement” means a severance of development rights from fee simple rights in perpetuity for the purpose of precluding construction of all residential and commercial structures, excluding those structures necessary for on-site agricultural and forestry activities. The development rights must be conveyed by conservation, preservation or agricultural preservation restrictions as defined by RSA 477:45 to a well-established non-profit or governmental agency capable of accepting and enforcing such an agreement under RSA 477:46 or other provision of law.

## **6.02 ACCESSORY DWELLING UNITS**

### **A. ATTACHED ACCESSORY DWELLING UNITS**

The following standards apply to Attached Accessory Dwelling Units:

1. One accessory dwelling unit shall be allowed without additional requirements for lot size, frontage, space limitations, or other controls beyond what would be required for a single-family dwelling without an accessory dwelling unit.
2. An interior door shall be provided between the principal dwelling unit and the accessory dwelling unit, but the Town of Campton shall not require that it remain unlocked.
3. The Town of Campton requires two additional parking spaces to accommodate an accessory dwelling unit.
4. The applicant for a permit to construct an accessory dwelling unit shall make adequate provisions for water supply and sewage disposal for the accessory dwelling unit in accordance with RSA 485-A:38, but separate systems shall not be required for the principal and accessory dwelling units. Septic Approval Number required.
5. The Town of Campton requires owner occupancy of one of the dwelling units. The Town of Campton requires that the owner demonstrate that one of the units is his or her principal place of residence. The Town of Campton reserves the right to

establish reasonable regulations to enforce such a requirement.

6. Attached accessory dwelling units shall not exceed a maximum of 900 square feet and shall have a minimum of 380 square feet.
7. The Town of Campton does not require a familial relationship between the occupants of an accessory dwelling unit and the occupants of a principal dwelling unit.
8. The Town of Campton limits an accessory dwelling unit to two bedrooms.
9. An accessory dwelling unit may be deemed a unit of workforce housing for purposes of satisfying the municipality's obligation under RSA 674:59 if the unit meets the criteria in RSA 674:58, IV for rental units.
10. Accessory Dwelling Units do not qualify for a home occupation use.

#### **B. DETACHED ACCESSORY DWELLING UNITS**

The Town of Campton will permit detached accessory dwelling units that meet the following requirements in addition to the applicable requirements in subsection A. above:

1. A minimum of a five acre lot size, or 100% increase of lot size for the zone it is in, whichever is greater.
2. Conditional use permit granted by the Planning Board.
3. Recreational Vehicles and Manufactured Homes not allowed.
4. Must use a single common driveway.

### **6.03 CLUSTER AND MULTIPLE FAMILY DWELLINGS**

The objective of cluster lots and multiple family dwelling units is to encourage flexibility in residential development design by permitting mixed housing types, which may be grouped on lots of reduced dimensions to allow for a more economical provision of road and utility network and to encourage the preservation and recreational use of open space in harmony with the natural terrain. The remaining land in the tract which is not built upon is reserved as permanently protected open space. Proposals for cluster lots and multiple family housing must go to the Campton Planning Board for subdivision approval and must comply with applicable provisions of the Campton Subdivision Regulations. Single Family detached condominium developments shall be considered cluster development and meet cluster zoning requirements.

1. The following standards must be met by cluster lots:
  - a. Cluster lots shall have no less than 200 feet of frontage on any road.
  - b. Cluster lot frontage may be reduced to not less than 100 feet if the frontage

is on an interior road exclusively for the use of lots within one cluster envelope providing not more than fifteen (15) units are served by such a road.

- c. Cluster Developments shall have a minimum of five acres. No more than 15 cluster units are permitted except by Special Exception. All cluster developments shall provide for a minimum of 25% of the developable area of the total development to remain green, unbuildable, and permanently protected open space. This open space shall be held in common ownership by a homeowners' or other association. In calculating the 25% of the developable area, the area dedicated to roadways and driveways shall not be included in the total developable area.
2. The following standards must be met by Multiple Family housing development:
    - a. Where multiple family dwelling units are permitted, the lot size of each lot shall be determined by Table 1 based upon the number of dwelling units, the character of the land involved, the type of housing proposed, and the need for adequate on-site sewage disposal, as determined by this Ordinance.
    - b. Side and rear lot line setbacks for multiple family dwellings with more than 3 units shall be 50 feet except in the Commercial Zone.
  3. The following standards apply to both cluster lots and multiple family housing development:
    - a. Where a community sewage disposal system located on common land is permitted, legal responsibility for ownership and maintenance must be established as part of the approval process.
    - b. The total number of dwelling units to the total acreage shall remain the same overall density as required in each zoning district. The land area not used for individual lots or construction of buildings shall be permanently maintained as open space or common land for the purposes of access, recreation, conservation, park or public easement, or agriculture. The roads, open space or common land or any portion of it shall be held, managed, and maintained by the developer until it is owned in one or more of the following ways:
      - i. By an owners' association set up by the developer and made a part of the deed or agreement for each lot or dwelling unit.
      - ii. By a conservation trust or private non-profit organization, such as the Society for the Protection of New Hampshire Forests, or the Audubon Society which will ensure that the common land will be held in perpetuity as open space.

- iii. By the developer, as appropriate, for areas such as golf courses, outdoor recreational areas, and enclosed recreational facilities.
- c. Each dwelling unit shall have reasonable access to the common open land but need not front directly on such land.
- d. The plan shall provide for the convenience and safety of vehicular and pedestrian movement on the site and for adequate location of driveways in relation to street traffic. Maximum building height, parking standards, and minimum distance from lot lines shall be required as specified in this Ordinance.

#### **6.04 RECREATIONAL CAMPING PARKS**

Recreational camping parks shall comply with the following conditions:

- a. The park shall contain a minimum of ten contiguous acres.
- b. No tent, trailer or recreational vehicle site shall be closer than 100 feet from any public street or highway and 25 feet from an interior road right-of-way and from any property line.
- c. No tent, trailer or recreational vehicle shall remain on the premises more than 100 days per year.
- d. Each tent, trailer or recreational vehicle space shall be at least 2,500 square feet in area and at least 30 feet in width, and shall have a suitable parking area of at least 10 feet in width and 20 feet in depth.
- e. A strip of land at least 25 feet in width shall be maintained as a landscaped area abutting all recreational camping park property and 100 feet from any public street or highway.
- f. Every recreational camping park shall have a dumping station for sewage disposal which meets all state and local laws and regulations. The water supply source must meet all state and local regulations.
- g. No foundations, skirting or accessory buildings on site are permitted.
- h. Sites shall not be sold, conveyed by condominium conveyance, or leased or rented for more than 100 days per year except when they meet the rules for other residential uses within this zone.
- i. No one shall be considered a resident of the Town of Campton who uses as his local address a site in a recreational camping park.
- j. Each recreational camping park shall provide one or more service buildings containing flush type toilets. Separate toilet areas shall be provided for males and females in accordance with all applicable state and local laws.

- k. All interior roads within a recreational camping park must be at least 30 feet wide and have a compacted gravel surface at least 20 feet wide.

## **6.05 EXCAVATIONS**

Excavation for removal of earth or gravel of any kind is permitted throughout the Town except in the River Corridor Protection Zone, the Floodplain Zone, the Forest Conservation Zone, and the Campton Town Center Overlay Zone provided the following criteria are met:

1. Requirements of RSA 155-E of the New Hampshire Revised Statutes Annotated as amended.
2. The use, as developed, will not adversely affect the character of the area in which the proposed use will be located.
3. There will be no nuisance or serious hazard to vehicles or pedestrians.
4. The use will not place excessive or undue burden on Town services or facilities.
5. There will be no significant effect resulting from such use upon the public health, safety, and general welfare of the neighborhood in which the use would be located.
6. A permit must be obtained from the Campton Planning Board.

## **ARTICLE VII ENFORCEMENT**

It shall be the duty of the Selectmen, and the Selectmen and their designees are hereby empowered, to administer and enforce the provisions of this Ordinance.

## **ARTICLE VIII PENALTY**

Sanctions, fines or penalties for any violation shall be as provided in RSA 676:17 et seq. as the same may be amended from time to time. Fines collected hereunder shall be paid to the use of the Town of Campton to the extent permitted by law.

## **ARTICLE IX REPEAL**

All existing Ordinances or parts thereof inconsistent with the provisions of this Ordinance are hereby repealed.

## **ARTICLE X ZONING BOARD OF ADJUSTMENT**

### **10.01 GENERAL**

- A. The Zoning Board of Adjustment shall consist of 5 members appointed by the Selectmen in accordance with RSA 673:3 and shall have the powers conferred by RSA 674:33 and

33-a, as amended.

- B. The concurring vote of any three members of the Board shall be necessary to take any action on any matter on which it is required to pass.

## **10.02 ZONING BOARD OF ADJUSTMENT POWERS**

### **A. APPEALS**

1. The Zoning Board of Adjustment shall have the powers to hear and decide appeals where it is alleged there is an error in any order, requirement, decision or determination made by an administrative official in the enforcement of this Ordinance.
2. The Zoning Board of Adjustment may, upon appeal in specific cases, grant a variance from the provisions of this Ordinance if the Board finds that all of the following conditions are met:
  - a. no diminution in value of surrounding properties would be suffered;
  - b. granting the variance would not be contrary to the public interest;
  - c. granting the variance would do substantial justice;
  - d. the variance must not be contrary to the spirit of the Ordinance; and
  - e. literal enforcement of the provisions of the Ordinance would result in an unnecessary hardship.
    1. For purposes of this subparagraph, "unnecessary hardship" means that, owing to special conditions of the property that distinguish it from other properties in the area:
      - i. No fair and substantial relationship exists between the general public purposes of the Ordinance provision and the specific application of that provision to the property; and
      - ii. The proposed use is a reasonable one.
    2. If the criteria in subparagraph 1. are not established, an unnecessary hardship will be deemed to exist if, and only if, owing to special conditions of the property that distinguish it from other properties in the area, the property cannot be reasonably used in strict conformance with

the Ordinance, and a variance is therefore necessary to enable a reasonable use of it.

The definition of "unnecessary hardship" set forth herein shall apply whether the provision of the Ordinance from which a variance is sought is a restriction on use, a dimensional or other limitation on a permitted use, or any other requirement of the Ordinance.

3. Application and hearing procedures shall be governed by RSA 676:5-7 and RSA 36:54-57, as amended.

## **B. SPECIAL EXCEPTIONS**

The Zoning Board of Adjustment shall make Special Exceptions to the terms of this Ordinance in harmony with its general purposes and intent only if the Board finds the following:

1. The proposed use(s) shall be only those allowed in this Ordinance by Special Exception;
2. The specific site is an appropriate location and of adequate size for the use;
3. The use, as developed, will not adversely affect the character of the area in which the proposed use will be located, including, but not limited to, consideration of such factors as noise, traffic, lighting, hours of operation, amount of impervious surface or building mass;
4. There will be no nuisance or serious hazard to vehicles or pedestrians;
5. The use will not place excessive or undue burden on Town services and facilities;
6. There will be no significant effect resulting from such use upon the public health, safety, and general welfare of the neighborhood in which the use would be located; and
7. That in the event that a Special Exception is sought for a lodge, restaurant, or commercial recreational building which is part of a residential subdivision, the person, corporation, or firm applying shall demonstrate, and the Zoning Board of Adjustment shall find, that such structures are for the convenience of the residents of the development.

## **C. CONDITIONS**

In granting an appeal or a Special Exception, the Zoning Board of Adjustment may attach such conditions and safeguards as it deems necessary to protect the neighborhood and community, as to the use of the land, including, but not limited to, for example:



- a. Increasing the required lot size or setbacks in order to protect the adjacent properties.
- b. Limiting the coverage or height of buildings because of obstruction to view and reduction of light and air to adjacent properties.
- c. Controlling the location and number of vehicular access points to the property.
- d. Increasing the street width adjacent to the property.
- e. Increasing the number of on-site off-street parking or loading spaces required.
- f. Limiting the number, location and size of signs on or off premises.
- g. Requiring suitable on-site landscaping and screening where necessary to reduce noise and glare and to maintain the property in character and keeping with the surrounding area.
- h. Specifying a time limit for initiation of construction, alteration, or enlargement of a structure.
- i. Providing for specific layout of facilities on the property such as location of the building, parking areas, or access to the building so as to minimize the effect on adjoining property.
- j. Requiring that any future enlargement or alteration of use be accomplished only with the approval of the Zoning Board of Adjustment.
- k. Specifying standards for operation so that it will be no more objectionable to the neighborhood by reasons of noise, odors, and vibrations, flashing lights or hours of operation than will be the operation of a permitted use at this site.
- l. Specifying that in case of the remodeling of existing structures into multiple family or lodging use that the remodeling of the structure would be done in such a manner that it will not substantially change the exterior appearance of the structure.
- m. Requiring such additional reasonable conditions and safeguards as it may deem necessary to implement the purpose of this Ordinance and to protect the best interests of the surrounding property and the neighborhood.

#### **D. EQUITABLE WAIVERS OF DIMENSIONAL REQUIREMENTS**

- 1. When a lot or other division of land, or structure thereupon, is discovered to be in violation of a physical layout or dimensional requirement imposed by this Ordinance, the Zoning Board of Adjustment shall, upon application by and with the burden of proof on the property owner, grant an equitable waiver from the requirement, if and only if the Board makes all of the following findings:
  - a. That the violation was not noticed or discovered by any owner, former owner, owner's agent or representative, or municipal official, until after a structure in violation had been substantially completed, or until after a lot or other division of land in violation had been subdivided by conveyance to a bona fide purchaser for value;
  - b. That the violation was not an outcome of ignorance of the law or ordinance, failure to inquire, obfuscation, misrepresentation, or bad faith on the part of any owner, owner's agent or representative, but was instead caused by either a good faith error in measurement or calculation made by an owner or owner's agent, or by an error in ordinance interpretation or applicability made by a municipal

- official in the process of issuing a permit over which that official had authority;
- c. That the physical or dimensional violation does not constitute a public or private nuisance, nor diminish the value of other property in the area, nor interfere with or adversely affect any present or permissible future uses of any such property; and
  - d. That due to the degree of past construction or investment made in ignorance of the facts constituting the violation, the cost of correction so far outweighs any public benefit to be gained, that it would be inequitable to require the violation to be corrected.
2. In lieu of the findings required by the Board under subparagraphs 1.a. and b. the owner may demonstrate to the satisfaction of the Board that the violation has existed for 10 years or more, and that no enforcement action, including written notice of violation, has been commenced against the violation during that time by the municipality or any person directly affected.
  3. Application and hearing procedures for equitable waivers under this section shall be governed by RSA 676:5 through 7. Rehearings and appeals shall be governed by RSA 677:2 through 14.
  4. Waivers shall be granted under this section only from physical layout, mathematical or dimensional requirements, and not from use restrictions. An equitable waiver granted under this section shall not be construed as a nonconforming use, and shall not exempt future use, construction, reconstruction, or additions on the property from full compliance with the Ordinance. This section shall not be construed to alter the principle that owners of land are bound by constructive knowledge of all applicable requirements. This section shall not be construed to impose upon municipal officials any duty to guarantee the correctness of plans reviewed by them or property inspected by them.

## **ARTICLE XI SEPARABILITY**

If any section, subsection, paragraph, sentence, clause, provision, word, or phrase of this Ordinance is held to be invalid or unconstitutional by any court or any competent authority, such holding shall not affect, impair, or invalidate any other section, subsection, paragraph, sentence, clause, provision, word, or phrase of this Ordinance.

## **ARTICLE XII EFFECTIVE DATE**

This Ordinance and any amendments thereto shall take effect upon adoption by the voters of the Town of Campton, New Hampshire.