

## Proposed 2010 Zoning Ordinance Amendments

Note: new wording is shown as underlined and wording to be deleted is shown as strike-through.

### Amendment #1:

#### Article #2

1. Amend Article III to add a new use regulation (Section 3.44), for properties fronting on Ocean Boulevard from the northerly portion of Ocean Boulevard where it intersects with Ashworth Avenue south to the northerly side of N Street, that limits the use of the first twenty-five (25) feet of depth of the ground floor of any building, measured from the front of a structure, to non-residential principal uses permitted in the Business Seasonal (BS) District. Entries, lobbies, stairs, and elevators providing pedestrian access to permitted upper-floor residential uses, not exceeding twenty percent (20%) of the ground floor area, shall also be permitted.

3.44 Within the BS zoning district along Ocean Boulevard only from the northerly portion of Ocean Boulevard where it intersects with Ashworth Avenue south to the northerly side of N Street, the first twenty-five (25) feet of depth measured from the front of the structure of the ground floor of any building, excluding driveways and parking areas, shall consist entirely of the following uses:

- a. Nonresidential principal uses permitted in the BS district.

Entries, lobbies, stairs, and elevators providing pedestrian access to permitted upper-floor residential uses, not exceeding twenty percent (20%) of the ground floor area shall also be permitted.

### Amendment #2:

#### Article #3

2. Amend Article II, Section 2.7 Professional Office / Residential District, Subsection C. Use Regulations, (1) Principal Uses, b. Professional services to reword this subsection to make it consistent with the existing wording in the Article III, Section 3.22 as to Banks, offices and professional establishments, such as insurance agencies, real estate offices, attorney offices, medical professionals and/or other similar businesses, providing direct services to consumers.

**C. Use regulations.** In the POR, no building or land shall be used, and no building shall be erected, altered or enlarged, which is arranged, intended or designed for other than one or a combination of the following uses:

(1) Principal uses.

- a. Single family residential. (As defined under Article 3.1 of this ordinance)
- b. ~~Professional services: (All uses subject to Site Plan Review Approval by the Hampton Planning Board):~~ Professional uses allowed are the uses currently defined under Article 3.22 of the Zoning Ordinance only. (All uses will require a use change and/or site plan review and approval by the Hampton Planning Board).
  - 1. ~~Artists' studios except tattoo parlors and body piercing studios.~~
  - 2. ~~Banks, savings and loan associations and other financial institutions, including automatic tellers and accessory drive-up services, provided that there are five on-site reservoir spaces per drive-up window or automatic teller.~~
  - 3. ~~Clinics, for people only.~~
  - 4. ~~Governmental Facilities~~
  - 5. ~~Office buildings.~~
  - 6. ~~Professional Services such as offices for doctors, attorneys, architects, engineers, accountancies, etc.~~
  - 6. ~~Photographic studios.~~
  - 7. ~~Travel agencies.~~
- c. Other activities not included under Article 3.22 in any other category but that are of a compatible nature with surrounding residential uses may be permitted with Planning Board review and approval.

### Amendment #3:

#### Article #4

3. Amend Article II, Section 2.7 Professional Office / Residential District, Subsection D. Height, Setback and Area Regulations to add new and amended provisions for the district's dimensional requirements.

**D. Height, setback and area regulations.** ~~In the POR, the height of the buildings or structures, the minimum dimensions of lots and yards and the minimum lot area per family permitted on any lot shall be as follows, provided that buildings erected exclusively for dwelling purposes shall comply with the front, side and rear yard requirements shall comply with Hampton zoning for single family residences.~~

(1) Height. ~~Buildings or structures shall not exceed two and one half stories or 35 feet in height.~~ Single Family Residential – All single family buildings, structures and lot area requirements in the POR district the height of the buildings or structures, the minimum dimensions of lots, and the minimum lot area per dwelling unit permitted on any lot shall comply with the dimensional requirements of the RA district in ARTICLE IV – DIMENSIONAL REQUIREMENTS.

(2) Front setback:

a. ~~Single family residential dwelling structure shall comply with Town of Hampton zoning for single family structures. All other residential dwelling structures shall conform to the requirements contained in subsection (g), architectural standards.~~

~~b. (2) Nonresidential or mixed use structures shall maintain a twenty foot front setback. Mixed use structure shall be defined as a structure containing both residential and nonresidential uses. conform to the following dimensional requirements:~~

~~(1) Front setback: 20 feet~~

~~(2) Side setback: 10 feet~~

~~(3) Rear setback: 10 feet~~

~~(3) Side setbacks:~~

~~a. Single family residential dwelling structure shall comply with existing zoning for such structures:~~

~~b. Nonresidential or mixed use structure shall maintain a ten foot side setback.~~

~~(4) Rear setbacks:~~

~~a. Residential dwelling structure:~~

~~b. Nonresidential or mixed use structures shall maintain a ten foot rear setback.~~

~~(5) Lot area. The minimum lot area in the district is~~

~~(4) Lot area: 10,000 square feet~~

~~(5) Lot frontage: 100 feet~~

~~(6) Lot width: 100 feet~~

~~(7) Maximum height: 35 feet no more than 3 stories~~

~~(8) Maximum amount of sealed surface per lot, including but not limited to driveways, parking lots, and roofs: 85%.~~

#### Amendment #4:

#### Article #5

4. Amend Article II, Section 2.7 Professional Office / Residential District, Subsection F. Signs and Article V – Signs Tables I & II to add specific requirements for signs in the district.

**F. Signs.** Signs within the POR district shall be allowed as permitted by the Town of Hampton zoning ordinance under Article V. All signage location must be approved during the individual site plan review process. Signs must be in character with surrounding uses and the construction materials used for signs shall mimic those used in the construction of the subject business. For purposes of this district, " a licensed or unlicensed vehicle, boat or trailer displaying advertising copy, other than an operable vehicle used in the daily conduct of business, ~~is considered a sign, and~~ is prohibited.

#### ARTICLE V

**TABLE I - Permitted Signs Per Zone**

	<u>RAA</u>	<u>RA</u>	<u>RB</u>	<u>RCS</u>	<u>B</u>	<u>BS</u>	<u>I</u>	<u>G</u>	<u>POR</u>
Animated Sign	X	X	X	X	X	X	X	X	<u>X</u>
Banner	P	P	P	P	P	P	P	P	<u>P</u>
Beacon	X	X	X	X	X	X	X	X	X
Building Sign	X	X	X	X	P	P	P	P	<u>P</u>
Canopy Sign	X	X	X	X	P	P	P	P	<u>P</u>

Changeable Sign	Copy X	X	X	X	P	P	P	P	<u>P</u>
Commercial Sign	X	X	X	X	P	P	P	P	<u>X</u>
Directory Sign	ZBA	ZBA	ZBA	ZBA	P	P	P	P	<u>P</u>
Flag	P	P	P	P	P	P	P	P	<u>P</u>
Freestanding Sign	X	X	X	X	P	P	P	P	<u>P</u>
Incidental Sign	P	P	P	P	P	P	P	P	<u>P</u>
Marquee Sign	X	X	X	X	P	P	P	P	<u>X</u>
Pennant	X	X	X	X	P	P	P	P	<u>X</u>
Political Sign	P	P	P	P	P	P	P	P	<u>P</u>
Portable Sign	X	X	X	X	X	X	X	X	<u>X</u>
Projecting Sign	X	X	X	X	P	P	P	P	<u>X</u>
Real Estate Sign	P	P	P	P	P	P	P	P	<u>P</u>
Residential Sign	ZBA	ZBA	ZBA	ZBA	X	X	X	X	<u>X</u>
Roof Sign	X	X	X	X	PB	PB	PB	PB	<u>X</u>
Roof Sign, Integral	X	X	X	X	PB	PB	PB	PB	<u>X</u>
Suspended Sign	X	X	X	X	P	P	P	P	<u>P</u>
Temporary Sign	B	B	B	B	P	P	P	P	<u>P</u>
Wall Sign	X	X	X	X	P	P	P	P	<u>P</u>
Window Sign	B	B	B	B	B	B	B	B	<u>P</u>

B Permitted by the Building Department

P Permitted

PB Permitted with Planning Board Approval

X Not Permitted

ZBA Permitted with special exception from the Zoning Board of Adjustment

## ARTICLE V

TABLE II - Size Chart (In Square Feet)

	RAA	RA	RB	RCS	B	BS	I	G	<u>POR</u>
Animated Sign	-	-	-	-	-	-	-	-	<u>-</u>
Banner	50	50	50	50	50	50	50	50	<u>50</u>
Beacon	-	-	-	-	-	-	-	-	<u>-</u>
Building Sign	-	-	-	-	50	50	50	50	<u>32</u>
Canopy Sign	-	-	-	-	32	32	32	32	<u>32</u>
Changeable Sign	Copy -	-	-	-	32	32	32	32	<u>32</u>
Commercial Sign	-	-	-	-	32	32	32	32	<u>-</u>
Directory Sign	32	32	32	32	32	32	32	32	<u>32</u>
Flag	50	50	50	50	50	50	50	50	<u>50</u>
Freestanding Sign	-	-	-	-	50	50	50	50	<u>32</u>
Incidental Sign	4	4	4	4	4	4	4	4	<u>4</u>
Marquee Sign	-	-	-	-	32	32	32	32	<u>-</u>
Pennant	-	-	-	-	4	4	4	4	<u>-</u>
Political Sign or Poster	6	6	6	6	50	50	50	50	<u>6</u>

Portable Sign	-	-	-	-	-	-	-	-	-
Projecting Sign	-	-	-	-	32	32	32	32	-
Real Estate Sign	6	6	6	6	32	32	32	32	<u>6</u>
Residential Sign	6	6	6	6	-	-	-	-	-
Roof Sign	-	-	-	-	32	32	32	32	-
Roof Sign, Integral	-	-	-	-	64	64	64	64	-
Suspended Sign	-	-	-	-	32	32	32	32	<u>6</u>
Temporary Sign	4	4	4	4	4	4	4	4	<u>4</u>
Wall Sign	-	-	-	-	50	50	50	50	<u>32</u>
Window Sign	%	%	%	%	%	%	%	%	<u>%</u>

% = fifty percent (50%) of the window area

### **Amendment #5:**

#### **Article #6**

5. Amend Article II, Section 2.3. Wetlands Conservation District in Section 2.3.3 Permitted Uses to add wording for a new section 2.3.3.A.6 and a new section 2.3.3.B.9, both entitled “Landscaping,” to clarify if a special permit is needed for that activity.

**2.3.3.A.6. Landscaping: Providing that the Building Inspector determines that:**

- a. The area to be landscaped has been previously disturbed or cleared or is maintained as a lawn or beach;
- b. The disturbed or cleared area is not being expanded;
- c. The Building Inspector is satisfied that the proposed landscaping will not be contrary to the spirit or intent of the Wetlands Conservation District Ordinance. (If the Building Inspector determines that the proposal is not consistent with the purposes of the Wetlands Conservation District, the proposed activity shall only be permitted if the landowner obtains a special permit in accordance with the provisions spelled out in the Wetlands Conservation District Ordinance).

**2.3.3.B.9. Landscaping: Providing that the Building Inspector determines that:**

- a. The area to be landscaped has been previously disturbed or cleared or is maintained as a lawn or beach;
- b. The disturbed or cleared area is not being expanded;
- c. The Building Inspector is satisfied that the proposed landscaping will not be contrary to the spirit or intent of the Wetlands Conservation District Ordinance. (If the Building Inspector determines that the proposal is not consistent with the purposes of the Wetlands Conservation District, the proposed activity shall only be permitted if the landowner obtains a special permit in accordance with the provisions spelled out in the Wetlands Conservation District Ordinance).

**Amendment #6:****Article #7**

6. Amend Article XVIII – Solar Panels Ordinance, to delete Section 3. Roof-mounted solar panels, subsection b. to allow roof mounted solar panels to be located on any roof face which provides the effective and efficient performance from the system being installed.

3. Roof-mounted solar panels:

b. ~~Separate flush-mounted solar panels shall be located on rear or side-facing roof, viewed from any adjacent street, unless such installation is proven to be ineffective or impossible. The removal of potential obstructions such as interceding vegetation shall not be sufficient cause for permitting a front-facing roof installation.~~