

***ZONING ORDINANCE
OF THE
SEABROOK BEACH VILLAGE
DISTRICT***

***210 OCEAN BOULEVARD
SEABROOK, NEW HAMPSHIRE
(603)-474-7029***

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March 28, 1978
March 30, 1982
March 25, 1986
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March 27, 1990
June 6, 1990
April 30, 1991
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SEABROOK, NEW HAMPSHIRE

Pursuant to authority conferred by Chapter 367 of the Laws of the 1975 Session of the New Hampshire General Court, the Seabrook Beach Village District, Seabrook, New Hampshire, hereby adopts the following zoning ordinance.

SECTION I: TITLE AND PURPOSE

1. This Ordinance shall be known as the "Zoning Ordinance of the Seabrook Beach Village District, Seabrook, New Hampshire".
2. The purposes of this ordinance are to promote the health, safety, morals, convenience and general welfare of the community by regulating and restricting the use and construction of buildings and premises in the Seabrook Beach Village District, enacted in pursuance of authority conferred by Chapter 31, Section 60 through 89 of the New Hampshire Revised Statutes Annotated or any amendments thereto.

SECTION II: ESTABLISHMENT OF USE DISTRICTS

For the purpose of this ordinance the Seabrook Beach Village District is hereby divided into three use districts:

- ZONE 1
ZONE 2
ZONE 3

These districts and the boundaries of such districts are shown on the official Zoning Map of the Seabrook Beach Village District, which Map is incorporated herein by reference and made a part hereof, and which is on file in the office of the Clerk of the Seabrook Beach Village District, the Chairman of the Commissioners of the Seabrook Beach Village District, and the Town Clerk of the Town of Seabrook, New Hampshire. This official Zoning Map shall be the final authority as the current zoning status of land in the Seabrook Beach Village District.

1. No building shall be erected, reconstructed or structurally altered nor shall any building or land be used for any purpose other than is permitted in the district in which such building or land is located.
2. No building shall be erected, reconstructed, or structurally altered to exceed the height herein established for the districts in which such building is located.
3. No lot area shall be so reduced or diminished that the yards or other open spaces shall be smaller than prescribed by this ordinance nor shall the density of population be increased in any manner except in conformity with the area regulations as hereinafter provided.
4. No yard or other open space provided around any building for the purpose of complying with the provisions of these regulations shall be considered as providing yard or open space for any other building.
5. Every building hereinafter erected shall be located on a lot herein defined, and in no case shall there be more than one building on one lot, except as hereinafter provided.

SECTION III: USE REGULATIONS

A. Zone 1:

In Zone 1, no building, structure or portion thereof shall be erected, altered, moved or used and no land or building or part thereof shall be used, arranged or designed to be used except for one or more of the following uses:

1. Single dwelling unit buildings (including ADU's), excluding mobile homes and trailers.
2. Professional use which is incidental and secondary to the use of the principal structure and does not change the character thereof. There shall be no more than one office per single family house and no such office shall have more than one professional person engaged in such professional use, which person shall be the owner/occupant, and no such office shall have more than two employees other than said owner/occupant.
3. Municipal buildings.
4. Churches, schools and libraries.
5. Parks and playgrounds for general outdoor recreation of a non-commercial nature.
6. Swimming pools for use of occupants and guests.
7. Accessory buildings not for human habitation which are incidental to the primary use.
8. Accessory uses by owner or tenants incidental to the above permitted uses and not detrimental to a residential neighborhood, except tents erected for the purpose of human habitation. Any accessory use that is specifically prohibited as a primary or principal use shall be prohibited as an accessory use.

Multi dwelling unit buildings, mobile homes and trailers **and three (3) or more axle commercial vehicles** are specifically excluded from this district.

B. Zone 2:

In Zone 2, no building, structure or portion thereof shall be erected, altered, moved or used and no land or building or part thereof shall be used, arranged or designed to be used, except for one (1) or more of the following uses:

1. Any use permitted in Zone 1, subject to all limitations there applicable.
2. Retail businesses, excepting and excluding the following:
 - (a) Junkyards, dumps and storage of abandoned automobiles.
 - (b) Travel trailer parks and/or mobile home parks.
 - (c) Commercial recreational and/or amusement facilities.
 - (d) Commercial parking lots and similar facilities.
 - (e) Motels or hotels
 - (f) Planned unit development.

- (g) Sale(s) of Class B special fireworks and/or Class C common fireworks, whether such fireworks are intended for retail or wholesale distribution. This subsection (g) shall be interpreted in accordance with the definition(s) of N.H. RSA 160-A:1, or any successor statute.
 - (h) Sexually oriented commercial enterprises.
 - (i) Pawn Shop.
 - (j) Body piercing/Branding or Tattoo Parlor.
 - (k) Sale of Vaping Devices, E-cigarettes, E-liquids and other related items.
 - (l) Sale of Cannabis, Cannabis Accessories and Cannabis Products
3. Banks and offices.
 4. Restaurants.
 5. Accessory uses of structures and of land normally incidental to the permitted principal use of the premises. Any accessory use that is specifically prohibited as a primary or principal use shall be prohibited as an accessory use.

Multi dwelling unit buildings, mobile homes , trailers , and public address systems and/or amplified speakers, that produce or emit musical and/or vocal sound outside of the enclosed building or structure are specifically excluded from this district.

C. Zone 3:

In Zone 3, no building, structure or other improvement shall be erected or altered herein. It is intended that this zone shall be dedicated to land conservation and used primarily for flood control, wildlife preserves, and other recreational uses which would not disturb its natural environment.

ACCESSORY DWELLING UNITS - ZONE 1 AND ZONE 2

Authority:

This section is enacted in accordance with the provisions of RSA 674:71 – 73 and RSA 674:21.

Definition:

An “Accessory Dwelling Unit” (ADU) means a residential living unit that is within or attached to 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.

Purpose:

- The purposes of the ADU ordinance are to:
- Increase the supply of affordable housing without the need for more infrastructure Or further land development.
 - Provide flexible housing options for residents and their families.
 - Integrate affordable housing into the community with minimal negative impact.
 - Provide elderly citizens with the opportunity to retain their homes and age in place.
 - The purpose is NOT to provide short term daily or weekly vacation rental space.

Criteria for Approval:

All of the following criteria must be met in order for the building inspector to approve the Construction of an ADU:

- An ADU application is required addressing all the criteria of an approved ADU.
- A building permit shall be required for an ADU.
- A maximum of one (1) ADU per lot may be permitted in zoning districts that allow single-family dwellings.
- An ADU may not be detached from the single-family dwelling unit.
- An interior door shall be provided between the principal dwelling unit and the ADU.
- The ADU shall have an independent means of ingress and egress
- All municipal regulations applicable to a single-family dwelling shall apply to the single-family dwelling and ADU combination.
- Two off street parking spaces shall be provided between the principal dwelling unit and the ADU.
- Either the single-family dwelling unit or the ADU shall be owner occupied.
- An ADU shall not be converted to a condominium.
- ADU's shall maintain an aesthetic continuity with the principal dwelling unit.
- An ADU may not be larger than 750 square feet.
- The ADU shall have no more than 2 bedrooms.
- Neither the ADU nor the principal dwelling unit shall be used for short term daily or weekly vacation rental space.
- An occupancy permit is required before an ADU can be occupied.

SECTION IV: AREA AND HEIGHT REGULATIONS

- a. **HEIGHT:** The maximum height of any structure shall not exceed thirty, (30) feet except public utility and municipal structures.
- b. **AREA AND FRONTAGE:** No building shall be erected, placed, moved, or otherwise located on a lot containing less than 20,000 square feet in area, or less than one hundred (100) feet of frontage on an existing road, and has an average width of one hundred (100) feet unless such a lot is on record in the Rockingham County Registry of Deeds prior to the enactment of this ordinance.
- c. **SET BACK AND SIDELINE:** No structure shall be placed less than twenty (20) feet in a residential area, or thirty (30) feet in a commercial area from the sidelines of the right of way of any road, nor closer than eight (8) feet to the nearest lot line. Except that on corner lots, no structure may be placed less than sixteen (16) feet in a residential area, or twenty-five (25) feet in a commercial area from the sidelines of the right of way of any road.

Porches, piazzas, decks and other similar elements shall be considered a part of the structure. Steps shall not be considered a part of the structure; provided, however, such steps shall not have more than sixteen (16) square feet of landing area. In the event that the landing area exceeds sixteen (16) square feet, or in the event that said steps extend to the second or third story, said landing area and/or steps shall be considered as a porch and therefore part of the structure.

A roof over steps at first floor level shall not be considered a part of the structure provided that such roof is not more than sixteen square feet in size.

Fixed mechanical equipment, including, but not limited to, air conditioning condensers, auxiliary generators, and heat pumps, are considered part of the structure and are not permitted in the set backs. Houses built before 12/31/2022 shall be allowed to install mechanical equipment in the side or back setback if no other option is available.

A maximum of one tool shed or other similar structure not for human habitation of less than one hundred twenty (120) square feet of floor space and less than ten (10) feet in height may not be placed within two (2) feet of any interior lot line but not closer than two (2) feet to any habitable structure.

Fences may not be more than four (4) feet in height within the front lot line set back and if a corner lot, front and side lot line set back adjacent to a roadway, and not more than six (6) feet in height within the remainder of the lot. Any fence which is being substantially repaired or replaced must be brought in compliance with the fence requirements as currently written in the Zoning Ordinance for the Seabrook Beach Village District.

Storage of and/or parking of unregistered and/or non-inspected vehicles recreational vehicles, camper trailers are not permitted in the front lot line setback or if a corner lot, front and side line setback adjacent to a roadway.

Utility poles placed on private property are only permitted in the rear set back of any street laid out in an Easterly to Westerly or Westerly to Easterly direction and on the Westerly side, of any street laid out in a Northerly to Southerly or Southerly to Northerly direction unless the placement of the utility pole would be inconsistent with the area. The Building Inspector shall determine if the placement is consistent with the area.

SECTION V: BOUNDARIES OF DISTRICTS

In the event that uncertainty exists with respect to the boundaries of the various districts as shown on the official Zoning Map, the following rules of interpretation shall be applied:

- A. Where a boundary is indicated as a highway, railroad or such other landmarks, it shall be construed to be the center line thereof unless otherwise indicated on the Zoning Map.
- B. Where a boundary is indicated as approximately parallel to a highway, railroad or such other landmark, it shall be construed as parallel thereto and at such distance from as shown on the Zoning Map.
- C. If no dimension is given on the Zoning Map, the location of any boundary shall be determined by use of the scale shown on the Zoning Map.
- D. Where a boundary coincides approximately by lot lines, such lot lines shall be construed to be the boundary where such interpretation is practical. However, when a boundary between two districts divides a lot, the Board of Adjustment may upon application by the lot owner allow those uses for the lot which are least restrictive as between the two districts.
- E. Where not otherwise provided for, or a question exists, the Board of Adjustment shall determine the exact boundary line.

SECTION VI: ADMINISTRATION AND ENFORCEMENT

A. AUTHORIZATION FOR ADMINISTRATION AND ENFORCEMENT:

1. This ordinance together with the National Building Code (which is incorporated into this ordinance by reference) shall be administered and enforced by the Seabrook Beach Village District Commissioners, hereinafter referred to as District Commissioners.

National Building Codes: All buildings, building components, and structures constructed in the Seabrook Beach Village District shall comply with the state building code and state fire code. The

alteration, renovation, rehabilitation, repair, removal, or demolition of all buildings and structures previously erected shall be governed by the provisions of the state building code. Additional codes adopted by reference herein, pursuant to HR RSA 674:51-a, include:

International Property Maintenance Code 2009

2. The District Commissioners are hereby given the power and the authority to appoint a Building Inspector and a Deputy Building Inspector, who shall act in the absence, disability or unavailability of the Building Inspector, and to delegate to such Building Inspector the power and authority to administer the provisions of this Ordinance that require use of the Building Permit.

B. BOARD OF ADJUSTMENT:

The Seabrook Beach Village District Commissioners shall appoint a Board of Adjustment consisting of five (5) members who shall act in accordance with New Hampshire RSA 31, Section 66 to 89, and the Commissioners shall appoint up to five (5) alternate members to the Board of Adjustment. Thereafter as terms expire or vacancies occur, the appointing authority shall be responsible for filling vacancies and maintaining full membership of said Board. Said Board of Adjustment shall be authorized to adopt such regulations as needed in order to fulfill its duties pursuant to State Law.

C. ADMINISTRATIVE PROCEDURES PERTAINING TO USE OF THE BUILDING PERMIT:

1. No person or entity shall undertake any construction, development or alteration of any building structure or use of land without a written building permit issued by the Building Inspector unless such undertaking is for normal maintenance or for emergency repairs.
2. No building permit shall be issued by the Building Inspector until all applicable provisions of this ordinance and state statutes have been complied with and all applicable state permits have been granted. A Certificate of Elevation is required for a new home or structure, alterations which involve a change in the footprint of an existing home or structure, or a substantial improvement to an existing home or structure.
3. No application for a building permit shall be accepted or approved unless it is (1) filed in writing on a form prescribed by the Commissioners, (2) accompanied by a drawing or plat, in duplicate, showing the lot plan, the location of the building, or use on the lot, accurate dimensions of the lot and building, or use, and where for human habitation or use, showing location and specification, AND MEANS of waste and sewage disposal, means of access to such lot or use, and such other information as the Building Inspector may deem necessary to provide for the observance of the provisions of this ordinance. No building permit for any work or project shall be issued until the Building Inspector has inspected the premises and has satisfied himself that all lot, building, structure and land use stakes or markers are in place and comply with the provisions of this ordinance. Upon issuance of a building permit, the applicant shall prominently display said building permit at the site of construction or alteration, whichever the case may be. The issuance and acceptance of the building permit shall be deemed to be the consent of the applicant for the Building Inspector to enter upon the premises in question at reasonable times to make inspections as shall be required to enforce the provisions of this ordinance. The Building Inspector shall make a decision on all applications for building permits within fourteen (14) days of the application having been filed with the Building Inspector.
4. No application for a building permit shall be approved until stakes or markers shall be fixed on the lot to indicate the location of lot lines and all corners of building(s), structure(s) and alterations proposed, and where the Building Inspector deems it necessary or desirable, of the means of access thereto. Where the application is for land use not involving excavations, grading, or other development or use of the ground or landscape concerned, stakes or markers shall be fixed on the lot to indicate the location of lot lines and bounds.

5. A building permit whether for a building, structure, material alteration or proposed land use, or otherwise, shall expire and become void one year from the date of issue.
6. No land shall hereafter be used for building or development and no building or structure hereafter erected, enlarged, materially altered, or moved, in whole or in part for any purpose until a building permit shall have been issued by the Building Inspector showing that the use and development of the land, building or structure complies with the provisions of this ordinance.
7. A building permit may be issued upon such conditions as the Building Inspector, or when applicable, as the Board of Adjustment may deem necessary to assure the observance of the provisions of this ordinance. Any building permit issued shall authorize only such work or project as the application and the permit, taken together, reasonably allow. The Building Inspector or the District Commissioners may suspend or revoke any building permit upon determining that the work or project in process is not in conformity with the permit as granted, or is otherwise in violation of the terms of this ordinance. In event of such suspension or revocation of a building permit, the work or project concerned shall immediately cease, or legal action to enforce such cessation shall forthwith be taken by the Commissioners.
8. There shall be a permit fee for review of an application, inspection of the premises (if required) and the issuance of a building permit of Forty (\$40.00) Dollars, plus the sum of Ten (\$10.00) Dollars per One Thousand (\$1,000.00) Dollars (or any fraction thereof) of the estimated fair market value of the building or project (for which application is sought) in excess of Three Hundred (\$300.00) Dollars, except in the case where significant construction has been undertaken prior to the issuance of a building permit in which case the penalty fee shall be THREE TIMES the normal fee, and all permits must be paid for by check or money order, no cash will be accepted. Such values shall be submitted by the applicant subject to the approval of the Building Inspector, who may revise such estimate if it appears to be too high or too low. Such values shall not appear on the building permit itself. Any dispute between the applicant and the Building Inspector as to estimated values shall be resolved by the Seabrook Beach Village District Commissioners. The Building Inspector shall have the right to enter upon the premises of an applicant for which a permit is requested in order to inspect the proposed construction development, or alternation, at the time of application and throughout the period of construction, at reasonable times, to determine the applicant's compliance with this ordinance as well as the applicable building regulations and State Statutes.
9. OCCUPANCY: No home or apartment, tenant, dwelling unit, or other premises shall be let, leased, or permitted to be occupied for residential and/or dwelling purposes until and unless a certificate of occupancy has been issued by the Building Inspector to the record owner of such premises. The owner of such property will apply to the Building Inspector for a certificate of occupancy on a form so provided. In considering and approving such application, it shall be the primary concern and duty of the Building Inspector to inspect the property in question and to preserve the public health, safety and welfare. To this end, the approval of any such application shall include appropriate safeguards in harmony with the general purpose and intent of this ordinance and particularly with regard to the following:
 - a. Safe and adequate ingress and egress.
 - b. Minimum habitable living area to meet requirements for construction, as per the National Building Code.
 - c. Adequate construction to provide sufficient protection from the elements.
 - d. Proper installation of heating, plumbing, water, sewerage and lighting facilities in accordance with the National Building Code and National Electrical Code (a copy of which shall be retained in the Office of the Clerk of the Seabrook Beach Village District).

The Building Inspector may revoke any certificate of occupancy should the premises or the occupancy no longer conform to the requirements of the Town or State Health Laws and Regulations, Building Code, Zoning Ordinance, or any other law. Notice of revocation shall be mailed to the record owner of the premises at his last known address or posted on the premises if there is no last known address at least seven (7) days prior to actual revocation. If the premises or the occupancy thereof are made to conform prior to revocation, the certificate of occupancy shall continue in full force and effect.

The Building Inspector shall issue a Certificate of Occupancy in or within five (5) days from receipt of proper application if the premises conform to the proper requirements.

10. The provisions of this Section VI. 10 shall apply prospectively only, to any residential use; provided, however, that the provision of this paragraph shall apply to the conversion of an existing summer residence to a winter, or year-round residence subsequent to the passage of this ordinance.
11. Any proposed addition/renovation to an existing building or dwelling must first conform to the requirements of NH RSA 149-E before any application for a building permit for same shall be granted.
12. In all instances requiring a building permit to be issued pursuant to this article, the application must establish to the satisfaction of the building inspector that he has complied with any and all site plan and subdivision regulations of the Seabrook Beach Village District as they may then apply.

D. DUTIES OF THE BUILDING INSPECTOR

The Building Inspector shall have the following duties:

1. To assist the prospective builder to conform with the provisions of this ordinance.
2. To determine at the site of work operations whether these follow the plans and specifications as proposed in the Application for a Building Permit and the extent of compliance with the Building Code Ordinance of the District.
3. To maintain a complete and accurate record of the work performed by the Building Inspector, keeping such records as are required for this purpose in files at the Office of the District Commissioners.
4. To assist the District Commissioners in the enforcement of this ordinance, including such inspections and investigations as may be reasonably required to determine compliance with this ordinance.

E. ENFORCEMENT OF THE PROVISIONS OF THIS ORDINANCE

1. Upon receipt of information from any source that any provision of this Ordinance is being violated, the Building Inspector or the Seabrook Beach Village District Commissioners shall promptly investigate the alleged violation at its site and, through the District Commissioners, shall undertake the following actions to enforce the provisions of this Ordinance.
 - a. Notify the owner or his agent in writing of the nature of the violation and ordering immediate Correction of it; and
 - b. When satisfactory compliance has not been obtained following such notification, the District Commissioners shall have a complaint prepared against the offending party who shall be summoned to appear in Court to answer such complaint, or the District Commissioners may take any other action that may be appropriate or in accordance with the advise of District Counsel.
 - c. Penalties: Any person, firm or corporation violating any of the provisions of this ordinance shall (upon a finding of such violation) be guilty of a violation, punishable by a fine. The District Commissioners have authorized the following schedule of fines in conjunction with the use of the Land Use Citation in accordance with RSA 676:17-b.

One Hundred Dollars (\$100.00) first offense, No Court Appearance.
Two Hundred Dollars (\$200.00) second offense (same violation), No Court Appearance.
Five Hundred Dollars (\$500.00) third offense (same violation), Court Appearance Required.

Any such violation, once commenced, shall constitute a continuing violation until it is terminated, and such a continuing violation may be prosecuted as a single violation, or as a series of separate violations.

SECTION VII: GENERAL PROVISIONS

A. SANITARY AND SAFETY PROTECTIONS:

The Building Inspector shall maintain a complete record of all building permits granted under the terms of this Zoning Ordinance and shall send a monthly report to the New Hampshire Water Supply and Pollution Control Commission, with a copy to the Seabrook Beach Village District Commissioners of all permits which have been granted during the previous month which in the judgment of the Building Inspector involves construction falling within the jurisdiction of review of the PCC. Any an all construction shall comply with provisions of New Hampshire RSA: 149-e where and when applicable.

B. NUISANCE CONTROL

The occurrence of activities that may be obnoxious or injurious by reason of the production or the emission of odor, dust, smoke, fumes, refuse matter, noise, vibration, or similar conditions, or that are dangerous to the health, safety or value of property of the community, or that lends otherwise to the annoyance or disturbance of a neighborhood, shall be prohibited. Furthermore, the storage of more than one unregistered motor vehicle per lot is prohibited.

C. THE DUMPING OR DISPOSAL OF GARBAGE AND OTHER REFUSE:

1. No land in any Zone shall be used for a dumping place for garbage and refuse from either private or industrial sources except for public dump as provided by the Town of Seabrook, New Hampshire and with the approval in writing of the Public Health Officer or the District Board of Adjustment upon such conditions as they may require.
2. All refuse must be stored in closed receptacles **that prevent access by animals or birds** prior to removal by either private or municipal sanitation services. Such receptacles must be stored off street except on the day(s) of municipal refuse collection.

D. SAND, TOPSOIL, AND GRAVEL REMOVAL:

It shall be unlawful to excavate and remove from the premises sand or topsoil or gravel from land extending 500 feet from the surface or a highway, street, or road, or other public way excepting such surpluses of topsoil, sand and gravel as may result from excavations when constructing basements or foundations for buildings or when excavating for driveways, parking lots and streets except as may be permitted by the District Board of Adjustment upon application by the lot owner. An approval for excavation by the District Board of Adjustment shall be considered valid only when issued in writing and under such conditions as it may require.

E. YARD SALES AND/OR FLEA MARKETS, SO-CALLED:

The maintenance of a flea market shall not be allowed in either of the two zones so described. Yard sales shall be permitted by permit provided that they are conducted on two or fewer occasions within the

calendar year and that such occasions are at least sixty (60) days apart and not for more than two (2) days duration. Permits for the yard sale may be obtained from the Clerk of the Seabrook Village Beach District and shall be granted by said Clerk provided the limits in the number of yard sales and the interval between same as described herein have not been exceeded.

F. SIGNS:

The following types of signs may be erected and maintained and shall be governed by the following provisions:

1. SIGNS IN ZONE 1:

- a. Name plates and identification signs not to exceed two square feet in area.
- b. On site real estate for sale or rental signs, provided that not more than two (2) such signs shall be permitted on any lot or structure. No sign shall have more than two (2) sides and the total area of any such sign shall not exceed four (4) square feet.
- c. No signs shall be painted on or attached to a vehicle or trailer parked on the property for the basic purpose of providing advertisement of products or services. This section is not intended to prohibit any signage on vehicles used on the streets or highway.
- d. All signs placed on buildings shall be no more than ten (10) feet above the ground, and all free standing signs, so-called, shall be no more than eight (8) feet above the ground.
- e. No sign shall be rotating or animated nor shall any sign be internally illuminated.
- f. Political signs are allowed in all zones subject to the following:
 - (a) For State primaries and elections for which residents of this district would be allowed to vote:
 - (i) Placement and Removal shall conform with RSA 664:17.
 - (ii) The earliest date on which political advertising may be posted or displayed shall be the last Friday in July prior to a state primary.
 - (iii) All political advertising shall be removed by the candidate no later than the second Friday following the election unless the election is a primary and the advertising concerns a candidate who is a winner in the primary.
 - (b) For all other elections for which the residents of this district would be allowed to vote:
 - (i) Political signs shall not be erected sooner than 15 days prior to the election for which they pertain.
 - (ii) All signs shall be removed within 24 hours following the election.
- g. It shall be unlawful to affix, attach, or display any advertisement upon any object of nature, utility pole, telephone booth, or highway sign.
- h. No sign shall project into a public way or access way used by the public. No sign shall block the view of any traffic, street sign or traffic signal. No sign shall be placed on public ways or public property.
- i. It shall be unlawful to affix, attach, or display any advertisement upon any object of nature, utility pole, telephone booth, or highway sign.

- j. No sign shall project into a public way or access way used by the public. No sign shall block the view of any traffic, street sign or traffic signal. No sign shall be placed on public ways or public property.
 - k. All buildings shall have affixed street numerals in conformance with the numbering system as defined by the Board of Commissioners. Numbering shall be not less than three (3) inches in height and of a contrasting color from the underlying structure such that they shall be easily identifiable from the street.
 - l. Construction related signage, displayed on the property where a permit has been issued, may remain only for the duration of the project and must be removed promptly at the project's completion and/or at the request of the Building Inspector prior to completion of the project for which the permit was issued.
2. SIGNS IN ZONE 2:
- a. The number of signs shall be limited to two per business establishment.
 - b. No sign shall be rotating or animated, nor shall any sign be internally illuminated or illuminated other than by a steady (non-blinking) incandescent light.
 - c. All signs placed on buildings shall be no more than ten (10) feet above the ground, and all free standing signs, so-called, shall be no more than sixteen (16) feet above the ground.
 - d. No sign shall exceed an area of thirty-two (32) square feet; provided, however, that in lieu of such sign, shopping malls may place on sign on its premises which shall serve as a directory of all of the businesses within said mall, which sign shall not exceed a total of one hundred (100) square feet; in addition, thereto each business establishment within said shopping mall shall be entitled to attach to its establishment a sign identifying the business, which sign shall not exceed thirty-two (32) square feet. No roof signs made of combustible materials shall be permitted.
 - e. No sign shall project into a public way or access way used by the public. No sign shall block the view of any traffic, street sign or traffic signal. No sign shall be placed on public ways or public property.
 - f. No signs displaying political advertisements shall be permitted; except that non-illuminated political signs of no more than six (6) square feet in area shall be allowed in the zone for a period commencing thirty (30) days prior to any local, county, state or federal election for which the residents of the district would be allowed to vote and provided that the candidate for whose benefit such signs are erected is candidate for that particular election. Any such sign so erected must be removed within ten (10) days after any such election.
 - g. No signs shall be painted on or attached to a vehicle or trailer parked on the property for the basic purpose of providing advertisement of products or services. This section is not intended to prohibit any signage on vehicles used on the streets or highway.
 - h. It shall be unlawful to affix, attach, or display any advertisement upon any object of nature, utility pole, telephone booth, or highway sign.
 - i. No sign is permitted which imitates, and can be confused with, an official traffic control sign or signal, or an emergency or road equipment vehicle.

- j. No signage is permitted which is located off of the lot on which the business establishment is located.

G. SWIMMING POOLS:

1. Fences required for certain pools.

All outdoor, artificial pools which have a maximum depth of more than three (3) feet when filled to capacity shall have a wall, fence or other enclosure with a minimum height of four (4) feet constructed around the entire pool, except above ground pools having an elevation of four (4) feet or higher above ground level.

2. Fence to refrain children to use of gate.

The wall, fence or enclosure as referred to above shall be constructed so that children will be unable to crawl or pass through to the pool without first using the gate or door to the pool.

3. Gates to be locked when pool unattended.

All gates and doors shall be locked by a hasp or other comparable locking device when the pool is unattended.

4. Compliance required.

All existing pools must comply with the terms of this chapter no later than June 1, 1986.

H. EMERGENCY GENERATORS

Permanent outdoor emergency energy generation systems installation for the exclusive use of any residence located on the property.

In view of the small acreage of residential properties in the Seabrook Beach Village District, the following conditions are imposed on the issuance of building permits for the permanent siting of outdoor emergency energy-generation systems. Such building permits shall not be required for portable emergency energy generators:

- (1) Prior to considering approval of a proposed outdoor location for the emergency energy-generation system, the Building Inspector shall determine that the proposed system cannot reasonably be located within an existing fully enclosed building on the property;
- (2) The emergency energy-generation system shall not be located in any required front yard setback, but can be constructed within the setback for any rear lot line or, if unable to be constructed in the rear yard, within the setback for either side lot line. Location in the rear of the residence located on the property shall be preferred so as to minimize visibility of the system from adjoining properties and manufactures specifications of any wood frame building or structure.
- (3) Preference shall be given to emergency energy-generation systems designed to minimize noise, including but not limited to those which include noise muffler systems;
- (4) The emergency energy-generation system shall be adequately screened with evergreen vegetation or architectural device to minimize its visibility from adjoining properties and the street, such vegetation shall be maintained throughout the life of the system. Such

vegetation shall meet the minimum distancing requirements established by the manufacturer of the emergency energy-generation systems;

- (5) The installer of the emergency energy-generation system shall obtain all required plumbing, electrical and Fire Department permits, if any.

CAMPING, RECREATIONAL

GENERAL REFERENCES

In accordance with RSA 147:1, the following public health regulation is adopted to protect the health and welfare of the citizens residing at Seabrook Beach Village District.

PURPOSE

In accordance with law this public health regulation is enacted to prevent and remove nuisances to the public health and to provide for the public health and safety of the citizens of the Seabrook Beach Village District through the lawful regulation of recreational camping.

LOCATION RESTRICTED

No persons, or other entity, shall, having custody or control an any tent, travel trailer, tent camper, motor home or pickup camper, locate, establish, maintain or operate the same as living quarters for children or adults for recreational, educational or vacation purposes in any location within the Seabrook Beach Village District other than at an established recreational camping park duly established in accordance with the laws and administrative regulations of the State of New Hampshire and the Seabrook Beach Village District.

EXEMPTIONS

The following activities are not regulated under this chapter:

- A. The single overnight camping or tenting of children and adults on the property upon which the residence of one of the children and adults camping or tenting is located;
- B. The overnight camping or tenting of organized scouting groups or other recognized organizations on the property upon which the residence of one of the children and adults who is a member o the organizations is located;
- C. The connection of water or electricity to a travel trailer, tent camper, motor home or pickup camper for the purpose of cleaning, charging battery systems or repairs;
- D. The temporary use of a tent, travel trailer, tent camper, motor home or pickup camper as temporary housing when a primary residence is destroyed or uninhabitable due to fire, disaster, or other health and safety issues, provided that the Health Officer has issued a permit for such temporary emergency residence; and
- E. Such other uses as may be exempted by the Health Officer upon proper application.

VIOLATIONS AND PENALTIES

Any person violating this health regulation shall be guilty of a violation and shall be subject to affine of not less than \$100 nor more than \$250 for each such violation. Each day that such violation continues beyond the first day of violation shall be a separate violation subject to the fine contained herein. All penalties shall inure to the general fund of the Seabrook Beach Village District.

SEVERABILITY

If any section or part of a section or paragraph of this regulation is declared invalid or unconstitutional by a court of competent jurisdiction, it shall not be held to invalidate or impair the validity, force or effect of any other section or sections or parts of a section or paragraph of this regulation, so long as the purposes of this regulation can still be achieved in the absence of the invalidated provision.

WHEN EFFECTIVE; REPEALER

This regulation shall become effective upon the approval of the Seabrook Beach Village Commissioners, when filed with the Seabrook Village District Clerk and posted in two public places in the Seabrook Beach Village District. This regulation supersedes and repeals all public health regulations previously adopted in Seabrook Beach Village District regarding recreational camping.

SECTION VIII: NON-CONFORMING USE

- A. At the time this ordinance takes effect, all lawful building, structures, and land then devoted to uses which would not be otherwise allowed in the district where to same is located by the terms of this ordinance or declared to be non-conforming uses.
- B. A non-conforming use, may not be changed subsequently to another non-conforming use of the same premises nor may the non-conforming use be expanded beyond that which existed upon the adoption of this ordinance, nor resumed after the lapse of one year. On applications for building permits for existing non-conforming structures, the Building Inspector may, at his discretion, grant a permit.

A deck or open porch, in this instance only, will not be considered a change in the foot print.

All work done must meet all existing zoning requirements.

- C. Land and buildings that lie idle or not put to any specific use for more than (1) year shall lose their non-conforming status; provided, however, that in the event of damage or destruction to the premises by fire, storm, or other Act of God, said building may be rebuilt for its former non-conforming use provided such construction is started within one (1) year of its damage or destruction and is completed within three (3) years. The new structure shall, however, in all other respects conform to the zoning ordinance as described herein.
- D. Any building, structure or land, in or on which a non-conforming use is replaced by a permitted use, shall thereafter conform to the regulations for the district in which such structure is located, and the non-conforming use may not thereafter be resumed.

SECTION IX: AMENDMENT, SEVERABILITY, AND WHEN EFFECTIVE

- A. When provisions of this ordinance, or any part thereof, may be amended, supplemented or repealed in the manner set forth by Chapter 31 of New Hampshire Revised Statutes Annotated as Amended.
- B. Whenever the regulations made under the authority hereof differ from those described by any statute, ordinance or other regulations, that provision which imposes the greater restriction or the higher standard shall prevail.

- C. Should any section or provision of this ordinance be held to be invalid or unconstitutional by any Court of competent authority and jurisdiction, such holding shall not affect, impair, or invalidate any other provision of this ordinance and to such end all sections and provision of this ordinance are declared to be severable.
- D. This ordinance shall take effect upon its passage.

SECTION X: DEFINITIONS

Accessory Building: A building whose purpose is subordinate to that of the main building. It may be separate from or attached to the main building. For the purpose of this ordinance a breezeway, a garage or a carport that is attached directly to, or by means of another structure to the main building, shall be regarded as an integral part of the main building.

Accessory Use: Any subordinate use of premises which customarily is accepted as a reasonable corollary to the principal use thereof, and which is neither injurious nor detrimental to the neighborhood.

Alteration: Of a building or a fabricated structure means a change, rearrangement, or addition involving the original structural parts, or significant changes, or additions to the plumbing, gas piping, electrical wiring, ventilation, or heating installations. Siding, hot top and concrete driveways, sidewalks and fences shall be considered as alterations within this ordinance. Such alterations are not to be confused with replacements or repairs.

Body piercing parlor: A business where the act of penetrating the skin, excluding the lobes and outer perimeter or the ear, to make generally permanent in nature, a hole, mark or scar.

Branding parlor: A business where permanent marks are applied by burning of the skin.

Building: A structure designed and suitable for habitation or sheltering of human beings, or for use and occupation for private and public business, trade, or manufacture.

Building height: The height of a building is the vertical distance from the average grade to the highest point of the roof.

Cannabis means all parts of the plant of the genus cannabis whether growing or not, the seeds thereof, the resin extracted from any part of the plant, and every compound, manufacture, salt, derivative, mixture, or preparation of the plant, its seeds, or its resin, including cannabis concentrate. "Cannabis" shall not include hemp, fiber produced from the stalks, oil, or cake made from the seeds of the plant, sterilized seed of the plant that is incapable of germination, or the weight of any other ingredient combined with cannabis to prepare topical or oral administrations, food, drink, or other product.

Cannabis accessories or cannabis paraphernalia means any equipment, products, or materials of any kind that are intended for use, or designed for use in planting, propagating, cultivating, growing, harvesting, composting, manufacturing, compounding, converting, producing, processing, preparing, testing, analyzing, packaging, repackaging, storing, vaporizing, or containing cannabis, or for ingesting, inhaling, or otherwise introducing cannabis into the human body.

Cannabis products means any product that contains cannabis, including cannabis extracts, concentrated cannabis products, and products that contain cannabis and other ingredients and are intended for use or consumption, such as, but not limited to, edible products, ointments, and tinctures. This term shall not include cannabis in its plant or flower form.

District: A division of the total area of the Seabrook Village Beach including all of the land, water, streets, and buildings within the designated boundaries.

Dwelling Unit: A living unit which includes one or more rooms arranged for the use of one or more individuals living together as a single housekeeping unit irrespective of whether said living unit is actually occupied, which would include cooking, living, sanitary, and sleeping facilities.

E-cigarette: An electronic smoking device composed of a mouthpiece, a heating element, a battery, and electronic circuits that may or may not contain nicotine or e-liquid. This term shall include such devices whether they are manufactured as e-cigarettes, e-cigars, or e-pipes, or under any other product name.

E-liquid: A liquid, oil, or wax product containing, but not limited to, nicotine intended for use in devices used for inhalation.

Foundation: The structural materials supporting a building

Interior lot line: Lot line common with other lot lines excepting those which front on any road.

Junk yard, dump: An area of land primarily used for the outside storage of discarded materials including but not limited to waste paper, rags, metal, building materials, house furnishings, machinery, vehicles, or parts thereof, with or without the dismantling processing, salvage, sale or other use or disposition of the same, the deposit or storage of two or more wrecked, broken, and/or non-working motor vehicles for a period of two months or more, or other major parts of two or more such vehicles shall be deemed to make the lot a junk yard.

Land: For the purposes of this ordinance, the work "land", wherever used, shall mean and include all the surface of the earth within the limits of the Seabrook Beach Village District, including all land, ground and subsurface deposits, all the air space above the land to the limits of the District's jurisdiction thereof, and all waters, tide waters, marshes, flats and underwater lands to the limits of the District's jurisdiction thereof. Provided, however, that as to a lot and its area and bounds as defined herein, the term "land" shall not include water or underwater lands, whether tidal or otherwise, unless otherwise provided herein.

Lot: One parcel of land set off as a unit and either occupied by or intended to be occupied by a building or fabricated structure, and including the open spaces required by law.

Lot Area: Means the extent in square feet of the surface of a lot. The lot area shall not include any part of the street upon which the lot fronts or abuts.

Lot Depth: The mean distance from the frontage line to the rear lot line when measured on a line halfway between the two-side lot lines.

Lot Lines: The lines bounding a lot, and dividing the lot from other lots, streets, land or water.

Lot of Record: A lot which has its principal frontage upon a street and is described in a deed which has been lawfully recorded in the Registry of Deeds for the County of Rockingham, or which, if not no deeded, is a lot which is part of a subdivision, the plan of which has been lawfully recorded in said registry.

Lot Width: The mean distance between the lot side lines measured on a line which is the mean direction of the front and rear lot lines.

Mobile Home: A dwelling accommodation designed to permit movement as a vehicle, whether or not wheels or skids are presently attached.

Multi dwelling unit building: More than one dwelling unit contained in a single building.

Non-conforming Use: A building structure or use of premises that does not conform to the provisions of this ordinance in the district in which it is situated, and which is permitted solely because it was in lawful existence as such a use prior to, or at the time this ordinance took effect. Only the principal use of the premises concerned may be continued if it is non-conforming; a subsidiary, secondary, subordinate or part-time use of the premises may not be deemed non-conforming.

Pawn shop: A business where something is deposited as a security for money borrowed.

Planned Unit Development: A structure or group of structures designed to be maintained and operated as a unit in single ownership or controlled by an individual partnership, co-operative, condominium or corporation, and which has certain facilities in common such as yards, open space, recreation area, garages, and parking areas.

Professional Use: Any use by a physician, dentist, lawyer, accountant, or similar professional person which is conducted entirely within the principal structure and carried on by the inhabitants thereof which is clearly incidental and secondary to the use of the principal structure as a residence and does not change the character thereof. The term professional use does not include use in a trade or handicraft, or other such commercial venture such as a real estate agency or travel agency.

Political Sign: A temporary sign that advertises or promotes a) the candidacy of any individual for elected local, county, state or federal office for which the residents of this District would be allowed to vote, or b) a position on a referendum question, warrant article, or any other matter submitted for a public vote at an election for which the residents of this District would be allowed to vote.

Repair: Replacement or mending of parts already existing but in a state of deterioration with equivalent materials and for the purpose of maintaining their quality.

Sexually Oriented Commercial Enterprises: A massage parlor; entertainment consisting of nude or topless dancing or stripping or similar entertainment; nude studio; sexually explicit modeling studio or motion picture arcade, sexually explicit book and/or artifact store; and any other similar commercial enterprise whose major business is the offering of a service which is intended to provide sexual stimulation or sexual gratification to the customer.

Shopping Mall: An arrangement of three or more business enterprises situated upon a single lot of land.

Single dwelling unit building: Not more than one dwelling unit contained in a single building.

Story: Means that part of a building or structure comprised between a floor and the floor or roof next above it.

Structure: Anything constructed, the use of which required permanent location on or in the ground or attachment to something having a permanent location on or in the ground, including but not limited to; buildings, swimming pools, tennis courts, carports, but not including; sidewalks, driveways, boundary fences, landscaping, hardscapes and retaining walls and sheds built and installed in compliance with existing codes.

Tattoo parlor: A business that pricks or otherwise, colored designs, initials, into the skin with indelible inks.

Trailer, travel trailer type: A fabricated structure mounted on wheels and especially designed: (1) for hauling it on highways with a motor vehicle, and (2) to provide temporary living quarters during travel, camping, recreational or vacation trips (synonymous with "Trailer Coach"),

Vaping Device: A product composed of a mouthpiece, a heating element, a battery, and electronic circuits designed or used to deliver any aerosolized or vaporized substance. Vaping device may include, but is not limited to, hookah, e-cigarette, e-cigar, e-pipe, vape pen, or e-hookah.

Variance: Means a variation from the terms of this ordinance, not otherwise permitted within the district concerned, which may be granted by the Board of Adjustment pursuant to its discretionary power, where the Board finds that the grant of such variance will do substantial justice and the intent of the ordinance will be still observed. The Board of Adjustment may in such case waive the literal enforcement of the applicable provision(s) of this ordinance and grant a variance only where such literal enforcement would result in unnecessary hardship to the applicant.

SECTION XI: FLOOD CONTROL REGULATIONS

This Ordinance, adopted pursuant to the authority of NH RSA 674:16, shall be known as the Seabrook Beach Village District, Seabrook, New Hampshire, Floodplain Development Ordinance. The regulations in this ordinance shall overlay and supplement the regulations in the Seabrook Beach Village District, Seabrook, New Hampshire Zoning Ordinance, and shall be considered part of the Zoning Ordinance for purposes of administration and appeals under state law. If any provisions of this ordinance differs or appears to conflict with any 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 in this ordinance shall apply to all lands designated as special flood hazard areas by the Federal Emergency Management Agency (FEMA) in its "Flood Insurance Study for Rockingham County, New Hampshire" dated January 29, 2021 together with the associated Flood Insurance Rate Maps dated January 29, 2021, which are declared to be a part of this ordinance and are hereby incorporated by reference.

ITEM I: DEFINITION OF TERMS

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 Seabrook Beach Village District, Seabrook, New Hampshire.

"Area of Special Flood Hazard" is the land in the floodplain within the SBVD, Seabrook, New Hampshire, subject to a one-percent or greater possibility of flooding in any given year. The area is designated on the FIRM as zones AE and VE.

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

"Base Flood Elevation" means the water surface elevation having one percent chance of being equaled or exceeded in any given year.

"Basement" means any area of a building having its floor subgrade on all sides.

"Building" - see "structure".

"Breakaway wall" means a wall that is not part of the structural support of the building and is intended through its design and construction to collapse under specific lateral loading forces without causing damage to the elevated portion of the building or supporting foundation.

"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 operation 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.
- (2) The unusual and rapid accumulation or runoff of surface waters from any source.

"Flood Insurance Study" means an examination, evaluation, and determination of flood hazards and if appropriate, corresponding water surface elevations, or an examination and determination of mudslide or flood - related erosion hazards.

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 Seabrook Beach Village District.

"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".

"Functionally dependent use" means a use which cannot perform its intended purpose unless it is located or carried out in close proximity to water. The term includes only docking and port facilities that are necessary for the loading/unloading of cargo or passengers, and ship building/repair facilities but does not include long-term storage or related manufacturing facilities.

"Highest adjacent grade" means the highest natural elevation of the ground surface prior to construction next to the proposed wall 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 of 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 state 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 building's 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 permanent foundation when connected 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.

"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.

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

"New Construction" means, for the purposes of determining 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.

"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.

"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 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 footing, 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 combination of repairs, reconstruction, alteration, or improvements to a structure in which the cumulative cost equals or exceeds fifty percent of the market value of the structure. The market value of the structure should equal: (1) the appraised value prior to the start of the initial repair or improvement, or (2) in the case of damage, the value of the structure prior to the damage occurring. For the purposes of this definition, "substantial improvement" is considered to occur when the first alteration of any wall, ceiling, floor, or other structural part of the

building commences, whether or not that alteration affects the external dimensions of the structure. This term includes structures which have incurred substantial damage, regardless of actual repair work performed. The term does not, however, include any project for improvement of a structure required to comply with existing health, sanitary, or safety code specifications which are solely necessary to assure safe living conditions or any alteration of a "historic structure", provided that the alteration will not preclude the structure's continued designation as a historic structure".

“Violation” means the failure of a structure or other development to be fully compliant with the community’s flood plain management regulations. A structure or other development without the elevation certificate, other certifications, or other evidence of compliance required under this ordinance is presumed to be in violation until such time as that documentation is provided.

"Water surface elevation" means the height, in relation to the National Geodetic Vertical Datum (NGVD) of 1929, North American Vertical Datum of 1988 (or other datum, where specified) of floods of various magnitudes and frequencies in the floodplains.

ITEM II

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

ITEM III

The Building Inspector 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:

1. 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
2. be constructed with materials resistant to flood damage
3. be constructed by methods and practices that minimize flood damages
4. 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

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 Building Inspector 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

For all new or substantially improved structures located in Zone AE, the application shall furnish the following information to the Building Inspector:

- a. The as-built elevation (in relation to NAVD 88) of the lowest floor (including basement) and include whether or not such structures contain a basement.

- b. if the structure has been floodproofed, the as-built elevation (in relation to NAVD 88) to which the structure was flood proofed.
- c. any certification of flood proofing.

For all new construction or substantially improved buildings located in Zone VE the applicant shall furnish the building inspector records indicating the as-built elevation of the bottom of the lowest horizontal structural member of the lowest floor (excluding pilings or columns) in relation to NAVD 88 and whether or not the structure contains a basement.

The Building Inspector shall maintain the above information for public inspection, and shall furnish it upon request.

ITEM VI

The Building Inspector 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

1. In riverine situations, prior to the alteration or relocation of a watercourse, the applicant for such authorization shall notify the Wetlands Bureau of the New Hampshire Department of Environmental Services Department and submit copies of such notification to the Building Inspector, in addition to the copies required by the RSA 482-A3. Further, the applicant shall be required to submit copies of said notification to those adjacent communities as determined by the Building Inspector, including notice of all scheduled hearings before the Wetlands Board.
2. The applicant shall submit to the Building Inspector, 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. Along watercourses that have not had a Regulatory Floodway designated, no new construction, substantial improvements, or other development (including fill) shall be permitted within zones AE on the FIRM, unless it is demonstrated by the applicant that the cumulative effect of the proposed development, when combined with all existing and anticipated development, will not increase the water surface elevation of the base flood more than one foot at any point within the community.

ITEM VIII

1. In special flood hazard areas the BUILDING INSPECTOR shall determine the base flood elevation in the following order of precedence according to the data available:
 - a. In zones AE and VE refer to the elevation data provided in the community's Flood Insurance Study and accompanying FIRM..
2. The Building Inspector 100 year flood elevation determination will be used as criteria for requiring in zones AE 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:
 - 1. be floodproofed so that below the base flood elevation the structure is watertight with walls substantially impermeable to the passage of water;
 - 2. have structural components capable of resisting hydrostatic and hydrodynamic loads and the effects of buoyancy; and
 - 3. 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 otherwise allowed in the District 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. 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, louver, or other coverings or devices provided that they permit the automatic entry and exit of floodwater.
3. Recreational vehicles placed on sites within Zone AE shall either (i) be on the site for fewer than 180 days, (ii) be fully licensed and ready for highway use; or (iii) meet all standards of Item II of this ordinance and the elevation and anchoring requirements for "manufactured homes" in Item VIII(2)(c) of this ordinance.

ITEM IX

The following regulations shall apply to all new construction and substantial improvements including all manufactured homes placed or substantially improved in coastal high hazard areas, designated VE on the Flood Insurance Rate Map:

- 1. All new construction or substantial improvements are to be elevated on pilings and columns so that:
 - a. The bottom of the lowest horizontal structural member of the lowest floor (excluding the pilings or columns) is elevated to or above the base flood elevation;

- b. The pile or column foundation and structure attached thereto is anchored to resist flotation, collapse, and lateral movement due to the effects of wind and water loads acting simultaneously on all building components. Water loading values used shall be those associated with the base flood. Wind loading values used shall be those required by applicable state and local building standards.
2. A registered professional engineer or architect shall develop or review the structural design, specifications and plans for construction, and shall certify that the design and methods of construction to be used are in accordance with accepted standards of practice for meeting the provisions of this item.
3. The space below the lowest floor must be free of obstructions or constructed with non-supporting breakaway walls, open lattice-work, or insect screening intended to collapse under wind and water loads without causing collapse, displacement, or other structural damage to the elevated portion of the building or supporting foundation system. For the purposes of this section, a breakaway wall shall have a design safe loading resistance of not less than 10 and no more than 20 pounds per square foot. Such enclosed space shall be usable solely for the parking of vehicles, building access, or storage.
4. The use of fill for the structural support of buildings is prohibited.
5. Man-made alterations of sand dunes which would increase potential flood damage is prohibited.
6. All new construction or substantial improvements within zones VE on the FIRM shall be located landward of the reach of mean high tide.
7. All recreation vehicles placed on sites within Zone VE shall either: be on site for fewer than 180 days; be fully licensed and ready for highway use; or meet all standards of Item 1 of this ordinance and all of the above requirements of Item IX.

ITEM X: VARIANCES AND APPEALS

1. order, requirement, decision or determination of the BUILDING INSPECTOR 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(b), the applicant shall have the burden of showing in addition to the usual variance standards under law:
 - a. 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. 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.

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.

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