**MODEL ORDINANCE FOR A NEIGHBORHOOD HERITAGE DISTRICT**

**I. Purpose**

A neighborhood heritage district is established under the provisions of RSA 674:21, “Innovative Land Use Controls,” to preserve, conserve and protect the health, safety, economic, cultural and general welfare of the public. Specifically, the purposes of a neighborhood heritage district are: [choose from some or all of the following, based on applicability]

1. To protect the distinctive characteristics of the district’s character, setting, buildings, structures, landscape features and public spaces in a manner that is supported by the Master Plan;
2. To discourage demolition of buildings and structures or removal of landscape features;
3. To guide change, reuse and reinvestment in the district;
4. To enhance the livability, vitality, stability and local identity of the district for its residents and businesses and all residents of the [town/city];
5. To retain traditional development patterns;
6. To retain a pedestrian-friendly, accessible environment;
7. To encourage design that is either traditional or contemporary, but is sensitive and compatible with the established character of the district;
8. To retain the diversity of uses that have traditionally existed in the district;
9. To develop guidelines that articulate the character and setting of the district and its buildings, structures, and landscape features and that clarify the community’s expectation for the type and quality of change and new development within the district;
10. To further “green” principles, by discouraging demolition and thus reusing existing building stock and materials
11. To adhere to smart growth precepts by encouraging investment within already developed areas and focusing on infill, rather than sprawl
12. To serve as a buffer to a local historic district [or other zoning districts].

**II. Definitions**

[Definitions should reference the basic zoning ordinance, adding any terms that are not included there. This could be a separate amendment to the zoning ordinance to add necessary definitions.]

**III. Establishment of Neighborhood Heritage District**

[Note: If it is your intent, the ordinance should specifically include the review of municipal buildings, as otherwise they are automatically excluded.]

1. To achieve these purposes, the town/city may designate one or more neighborhood heritage districts. A neighborhood heritage district shall be established within the zoning ordinance, in accordance with the applicable provisions of RSA 674.1
2. The boundaries of the neighborhood heritage district are shown on the [name of municipality] zoning map.
3. The designation of a neighborhood heritage district is intended to accommodate unique land use, design, and other distinctive characteristics of a neighborhood and encourage flexible, but consistent design review for new construction, additions, alterations or demolition.
4. The neighborhood heritage district shall be administered by the Planning Board with the advice of a Neighborhood Advisory Committee to be created as provided in section IV.

**IV. Neighborhood Advisory Committee**

* 1. Upon adoption of a neighborhood heritage district as a section of the zoning ordinance, the Planning Board shall appoint a Neighborhood Advisory Committee. The committee shall consist of not fewer than three and no more than seven members who may include: one or more residents and/or landowners in the district; a person familiar with the history and character of the neighborhood; an architect; a business proprietor; a member of the Historic District Commission or Heritage Commission; and a member of the Planning Board. The Planning Board may appoint up to three alternate members to the advisory committee.
	2. In the event there is more than one neighborhood heritage district in the town/city, the advisory committee shall include a member from each district.
	3. The Neighborhood Advisory Committee shall:
1. 1). Prepare a final neighborhood plan for submission to and approval by the Planning Board;
2. 2). Establish rules of procedure, in accordance with RSA 676:1. In addition to procedures for review of applications referred by the Planning Board, the committee may provide for informal preliminary non-binding discussion and review of activities subject to regulation under this ordinance;
3. 3). Adopt design guidelines for construction activities within the neighborhood heritage district;
4. 4). Advise the Planning Board on creating an application form for activities subject to review;
5. 5). Submit written recommendations to the Planning Board to guide its decision on applications received;
6. 6). Where applicable, the advisory committee may make recommendations to the zoning board of adjustment regarding applications for variance or special exception for properties within the neighborhood heritage district.

**V. Activities Subject to Review**

[choose from some or all of the following, based on applicability]

* 1. Demolition, partial demolition, or removal of a building or structure
	2. Any new exterior construction. (Exempt from review is construction of a new accessory structure, such as a clothesline, tree house, playhouse, flagpole, play equipment, providing the structure does not exceed 100 square feet in area.)
	3. Any addition to an existing building or structure that is visible from the street. (If the addition is not visible from the street and is less than 100 square feet or constitutes less than XX% of the existing buildings on the lot, whichever is less, it is exempt from review.)
	4. Removal of a porch, portico, doorhood or bay window visible from the street
	5. Altering the size of window or door openings visible from the street
	6. Removal of landscape features that define the streetscape, including but not limited to mature trees, granite retaining walls & posts, fences
	7. Site work that increases the amount of paved surface, such as increasing a parking area
	8. New or replacement signs

**VI. Standards for review**

[choose from some or all of the following, based on applicability]

The application for proposed work shall demonstrate that the project as proposed is consistent with the neighborhood plan and the following standards. The Planning Board, according to its authority under Site Plan Review, may require that the proposed work application be reviewed by a licensed architect or historic preservation consultant at the expense of the applicant.

1. New construction shall be compatible with the distinct characteristics that define the area.
2. Setback, height, scale, mass, fenestration and spacing of new construction shall be compatible with adjacent traditional buildings and the context of the district. Buildings shall be spaced in a manner that is consistent with the traditional development patterns of the street. Creative new design is encouraged, especially when it references or acknowledges local, traditional forms or design elements.
3. Architectural features in new construction or additions should be used to enhance visual interest and provide a pedestrian scale. Details that reference, but do not necessarily mimic, traditional buildings are encouraged.
4. New construction or additions shall have rooflines that are similar to those traditionally seen in the district, in terms of type, shape, pitch and orientation.
5. Building materials for new construction shall contribute to the visual continuity of the district.
6. Building materials for major additions shall be consistent with, or similar to, those already on the building or structure.
7. New construction shall preserve character-defining landscape features of the district.
8. Parking shall be set back from the primary front wall of the building. Garages shall be set back from the front plane of the building; if that is not possible, they shall be rotated so that the vehicular doors do not face the street. Driveways that are double wide are discouraged. Shared parking is encouraged.
9. Demolition, partial demolition, or removal of buildings and structures, as well as removal of landscape features shall be considered only under the following circumstances:
	* + 1. Replacement structures or other use of the site meet the intent of the design guidelines and do not have a negative impact on the character or cohesiveness of the district; or
			2. The applicant for a demolition permit has demonstrated that reasonably feasible alternatives to demolition have been considered including renovation or adaptive reuse of the existing building or structure proposed for demolition; or
			3. The applicant has demonstrated that retaining the resource would constitute economic hardship due to unavoidable quantifiable and verifiable expenditures or a fiscal loss that would ensue should the resource not be demolished; or
			4. The building or structure has been determined structurally unsound based upon a written technical report prepared by an architect or professional engineer registered in the State of New Hampshire that clearly demonstrates that the building or structure presents a risk to public health, safety and welfare; and the structurally unsound condition has not been caused by willful or negligent acts by the owner or failure to perform normal maintenance and repairs; or
			5. In the case of a mature street or front yard tree, a professional arborist or other qualified professional has determined that its removal is necessary for safety reasons.

**VII. Procedure.**

* 1. The Planning Board, with the written advice of the advisory committee, shall establish an application form in accordance with its procedure for site review applications. The procedure shall provide for notice to abutters as required by RSA 672:3. A pre-application meeting with the advisory committee is an option that is encouraged.
	2. Upon receipt of an application for a regulated activity in the neighborhood heritage district, the Planning Board shall determine whether the application is complete for review in accordance with the provisions of RSA 676:4.
	3. The completed application shall immediately be referred to the Neighborhood Advisory Committee. The Committee must hold one or more duly noticed public hearings and shall, within 30 days of receipt of the application, submit its recommendation to the Planning Board. The Committee may recommend approval with written reasons, denial with written reasons, or approval with conditions.
	4. The Planning Board, upon receipt of the recommendation of the Neighborhood Advisory Committee, shall hold at least one public hearing, typically part of their regular meeting. Oncethe public hearing portion has been closed, the Planning Board in its deliberations shall consider the recommendations of the advisory committee. The Planning Board shall approve the application, approve with conditions, or deny, with written reasons provided. If the Planning Board’s decision is contrary to the recommendations of the advisory committee, the board shall state specifically the basis for its decision.

*NOTE: The Planning Board and Advisory Committee may choose to hold joint public hearings in order to avoid duplicate hearings and facilitate efficient decision-making. The NHD committee should submit its recommendation to the Planning Board before the Planning Board renders its decision. The Statutes encourage this procedure (RSA 676:2).*

**VIII. Appeal.**

Appeal of a decision of the Planning Board shall be in accordance with RSA 677:15.

**IX. Enforcement.**

Decisions of the Planning Board shall be enforced in accordance with the provisions of the zoning ordinance.

**How to Establish a Neighborhood Heritage District in Your Town/City**

The Process:

1. A neighborhood association or other group present~~s~~ the Planning Board with a proposal to establish a district, identifying the need, purpose and objectives, and how it is supported by the Master Plan. Approximate boundaries and a brief summary of existing local support may also be included.
2. When the Planning Board accepts the proposal, they instruct the neighborhood group to develop a preliminary neighborhood plan that includes:
	1. Type of district (zoning overlay or discrete district).
	2. Inventory or survey of proposed district’s resources and defining features
	3. Proposed actions for review and standards for review. Suggestions for non-binding review items may also be included.
	4. Proposed boundaries and rationale.
3. Planning Board assists neighborhood group in drafting an ordinance and then submits it as a proposed amendment to the municipal zoning ordinance. Note: In most cases, the work of creating an NHD falls on neighborhood volunteers, who may also be assisted by the Heritage Commission if one exists. The neighborhood group most often also provides funding for whatever technical assistance is needed although the local government may also choose to invest in this process.
4. Amendment is voted on as part of town warrant, by city or town council, or municipal board of aldermen.
5. If ordinance is passed, Planning Board appoints NHD Advisory Committee of 3-7 members and up to 3 alternates, with representation of residents of the district.
6. Neighborhood Advisory Committee drafts and adopts Rules of Procedure and finalizes their plan, actions for review, illustrated guidelines, and standards of review for approval by the Planning Board.

For guidance on how to administer a Neighborhood Heritage District, please refer to *Neighborhood Heritage Districts: A Handbook for NH Municipalities, p 13-14. (2007),*<http://www.nh.gov/nhdhr/documents/neighborr_hert_handbook.pdf>