

ARTICLE 03. To see if the Town will vote to amend the Rye Zoning Ordinance in accordance with the recommendation of the Rye Planning Board, as follows:

Amendment 5

- I. Amend Article III: § 190-3.3. Historic District as follows (Note: New language **emboldened and italicized**. Deleted language struck through.)

§ 190-3.3 Historic District [Added 3-14-1978; amended 1997; 1998; 3-11-2008]

- A. Definition of district. The Rye Historic District is defined as that area from the west end of Grange Park to the intersection of Central and Washington Roads within 500 feet on either side of the center line of Washington Road. Also included in the Rye Historic District are the State of New Hampshire Isles of Shoals islands and the Brackett Road Massacre Site and the historic Cable House located at 20 Old Beach Road.
- B. Purposes. The purposes of the Historic District are to preserve for generations to come the unique collections of historically, architecturally and culturally significant buildings and structures which characterize the Town of Rye, New Hampshire, to encourage their maintenance and restoration, and to ensure that new buildings and structures and alterations to existing buildings and structures and uses of buildings and structures within the district are in visual harmony with their neighbors in order that a district is preserved which will reflect the cultural, social, economic, political, and architectural history of the Town of Rye, New Hampshire, conserve and maintain property values in such district, foster civic beauty, strengthen the local economy, and generally provide an opportunity to benefit the education, pleasure and welfare of all the citizens of the municipality.
- C. General description of district. The Rye Historic District is predominately composed of ~~pre-Revolutionary~~, Federal, and Victorian ***or Colonial Revival*** residential, commercial and municipal structures dating from 1724. Typically, the facades of the buildings average 40 feet wide and between 1 ½ ~~4/2~~ and 2 ½ ~~4/2~~ stories high. The average street frontage of a building lot is 75 feet; the average setback is 10 feet to 15 feet from the edge of the street right-of-way. The average percentage of openings (doors, windows, etc.) as a percentage of the façade is 25% to 40%; the usual construction material and surface treatment is wood clapboards; the usual roof shape is ~~peaked~~ ***gabled***; the usual architectural details are ~~pre-Revolutionary~~, ***Federal, —or Victorian, or Colonial Revival***; and the usual landscaping/ground covers are grass, shrubs, and trees. A detailed inventory of the buildings and structures of the district is on file with the Town Clerk and Tax Collector. Copies are available at the public library and from the Historic District Commission. **[Amended 3-14-2023 by Art. 3 (Am 4)]**
- D. ***Any town owned or public building to be constructed, located, altered, repaired, moved, demolished, or otherwise changed in exterior appearance within the Historic District is encouraged to participate in a non-binding courtesy review by the Historic District Commission and follow the application and review procedures as outlined in this ordinance.***

- E. ~~D.~~Certificates of approval. Any person wishing to construct, *locate*, alter, repair, move, demolish, or otherwise change the exterior appearance of a structure within the district or construct *or locate* a new structure within the district or institute a new use of land or buildings within the district must obtain a ~~e~~Certificate of ~~a~~Approval from the Historic District Commission *prior to commencing work and* before any other building permits otherwise required by the Town are obtained. However, if the action is *ordinary maintenance or* a repair where like materials are replacing like materials, *and would not require a building permit, the action shall be exempt from review by* ~~only notification of the Historic District Commission. is required. When this case applies, the Building Inspector's office will send a copy of the building permit application to the Historic District Commission~~ *Chair*.

(1) Application procedures.

- (a) Applications for ~~e~~Certificates of ~~a~~Approval are available from the Building Inspector.
- (b) *Application deadline. Applications for the agenda of a regular meeting of the Historic District Commission shall be 14 calendar days before the date of scheduled meeting.*
- (c) Applicants for a certificate of approval shall show:
 - [1] Ownership and description of land involved (areas and addresses).
 - [2] Ownership and description of buildings involved.
 - [3] Names and addresses of abutting property owners and those directly across the street.
 - [4] A description of the work proposed to be done, which should include, as appropriate, a sketch of the site and the buildings located on the site drawn to scale, and photographs, sketches, architect's renderings or plans, and/or other visual aids. The description shall contain detailed dimensions when any structural features are to be altered or a new building constructed, or when otherwise requested by the Commission. Applicants are advised to consult the Town of Rye Historic District Commission Design Guidelines dated December 2021, as these guidelines may be amended.
[Amended 3-14-2023 by Art. 3 (Am 4)]
- (d) Upon receipt of a completed application form, the Historic District Commission will normally within 7 ~~15~~ days:
 - [1] Determine that the application is of no interest and notify the applicant in writing that the applicant may proceed, *and notify the Building Department of such determination*; or

[2] Determine that the application is of interest and schedule a public hearing.

(2) Public hearings.

- (a) Notice of public hearings shall be advertised in a newspaper of general circulation in the Town, shall be posted in at least two public places, and shall be sent by certified mail to abutting property owners and those owning property directly across the street, at least five days in advance.
- (b) Public hearings shall be open to the general public and testimony may be received from any party.

(3) Decisions by Historic District Commission.

- (a) Certificates of ~~a~~**Approval** or notices of disapproval shall be issued within 45 days of the filing of an application, unless the applicant agrees to a longer period of time.
- (b) Decisions of the Historic District Commission shall be made in accordance with the guidelines for decisions in § 190-3.3~~EF~~.
- (c) Failure to issue the ~~e~~**Certificate** of ~~a~~**Approval** or a notice of disapproval within the specified period of time shall constitute approval by the Commission.
- (d) Decisions of the Historic District Commission shall be appealable to the Board of Adjustment ~~in accordance~~ **within 30 days from the date of the decision in accordance** with RSA 677:17 and in accordance with Article VII of this chapter. **[Amended 3-14-2023 by Art. 3 (Am 4)]**

- (4) Enforcement. No building permit shall be issued until a ~~e~~**Certificate** of ~~a~~**Approval** has been filed with the Building Inspector, but in the case of disapproval, disapproval shall be binding upon the Building Inspector or other duly delegated authority, and no permit shall be issued. Otherwise, enforcement shall be as provided by NH RSA 674:49 and § 190-8.3 of this chapter.

F. ~~E~~.Guidelines for decisions on appropriateness. The following principles shall be followed in the granting of a ~~e~~**Certificate** of ~~a~~**Approval** within the Historic District:

- (1) Applicants are advised to consult the Town of Rye Historic District Commission Design Guidelines dated December 2021, as these guidelines may be amended. **[Added 3-14-2023 by Art. 3 (Am 4)]**
- (2) If the proposed construction will not have any visible impact on the exterior of the building or structure, it shall be deemed of no interest.
- ~~(3) Routine repair to existing structures not involving any other exterior changes shall be deemed of no interest.~~
- (3) When determining the appropriateness of all other alterations, restorations, or remodeling of existing structures or sites, the following criteria will be appropriate,

in which case the applicant shall state the criteria they are using and the Commission shall decide accordingly:

- (a) Structures or sites of importance because of a moment in history, be it the date of occupancy by a celebrated personage or the happening of an event, should be altered only so as to be more in conformity with the appearance at that moment in time.
 - (b) Structures or sites of importance because of their date of construction should be altered to restore features of their original appearance unless the structure has been altered at some later time and that alteration is in keeping with the character of the district, or is notable in its own right, in which case, as an alternative, such altered appearance shall be maintained.
 - (c) Structures or sites which are important in the history of architecture as unique or exceptionally fine examples of their style should be altered only so as to retain their original appearance.
 - (d) Structures or sites merely typical of their age and style should be altered in a fashion of that age or style, if in keeping with the character of the district.
 - (e) The ***Historic District*** Commission shall have the power to review the architectural treatment of the exterior features and finish of structures.
- (4) New structures and buildings and those being moved into the district from outside the district must conform in general size and scale, but need not conform in precise architectural style to the existing structures within the district.
- (a) Such a structure must meet the zoning requirements of the Town in the following specifications:
 - [1] Overall height and width.
 - [2] Street frontage.
 - [3] Setback from the street.
 - [4] Number of stories.
 - (b) In addition, it shall conform to the general style of the ***Historic District*** by being similar to neighboring structures in the district in all of the following six criteria: **[Amended 3-14-2023 by Art. 3 (Am 4)]**
 - [1] Openings within the facade as a percentage of the facade, i.e., doors and windows.
 - [2] Similarity of construction materials and surface texture, i.e., rough, smooth, wood, brick, etc.
 - [3] Similarity of roofs, i.e., slopes and shapes.

- [4] Similarity of architectural details, i.e., cornices, lintels, arches, porches, balustrades, wrought iron work, chimneys, etc.
 - [5] Similarity of landscaping and ground covering, i.e., grass, brick, granite, etc.
 - [6] Similarity of colors to existing structures.
- (5) Before a building or other structure is ***approved for*** demolition or moved out of the ***Historic District***, the applicant shall in good faith prepare a detailed plan for the reuse of the site which the ***Historic District*** Commission determines will meet the requirements for a ***Certificate of Approval***. Such ***Certificate of Approval*** for demolition and reuse shall only be granted upon a showing by the applicant that to deny such certificate would result in an unnecessary hardship unique to the property in question and that such unnecessary hardship is not common to neighboring properties within the ***Historic District***. [Amended 3-10-2020 by Art. 3]
- (6) Signs.
- (a) The goals and objectives of the Rye Historic District Commission in reviewing and approving applications for signs, ***permanent and temporary***, within the Historic District or considering requests for exceptions are:
 - [1] To ensure that the visual impact of all signs is consistent with the historical and architectural characteristics of the Historic District.
 - [2] To maintain the semi-rural/rural character of Rye. [Amended 3-11-2025]
 - [3] To assure safe use of public ways by pedestrians, bicyclists and motorists.
 - [4] To promote the general visual attractiveness of the Historic District.
 - (b) Size. No sign in the Historic District may be larger than ~~six~~ ***three (63)*** square feet. [Amended 3-14-2023 by Art. 3 (Am 4)][Amended 3-11-2025]
 - (c) Number of signs/lot. Multiple signs are permitted on a lot provided the aggregate square footage of all signs shall not exceed ~~eighteen~~ ***nine (189)*** square feet. [Amended 3-11-2025]
 - (d) Materials. Materials appropriate to the Historic District such as wood, brass, glass, or wrought iron will be permitted. Banners may be of cloth or soft vinyl. Signs may use two or three colors plus white and should blend in color scheme with the structure with which they are associated. Traditional styles of fonts shall be used for lettering. Notwithstanding the foregoing, temporary signs shall be allowed provided ~~they are not~~ ***that no temporary sign shall be*** displayed for ~~the shorter longer than of either (a) 120 days or until (b) such time as the temporary sign starts to deteriorate, become illegible, or is damaged,~~ ***whichever is shorter***. [Amended 3-11-2025]
 - (e) Illumination. In addition to the criteria of § 190-5.1D, the source of a sign's illumination shall not be visible from any residence and shall not interfere with the vision of drivers on public streets.

- (f) Applicability of §190-5.1. Except as expressly provided herein, the provisions of §190-5.1 shall apply to signs within the Historic District. The size limitations set forth in §190-3.3(E)(7)(b) and (c) may be exceeded by special exception in accordance with §190-5.1(C). [Added 3-11-2025]

(7) Solar collectors. **[Added 3-12-2013]**

- (a) The Rye Historic District Commission has jurisdiction over solar collectors as appurtenant exterior fixtures of buildings in the Rye Historic District. Solar panels require the Historic District Commission's review and approval. The Historic District Commission shall evaluate applications on a case-by-case/property-by-property basis.
- (b) The Commission takes into consideration five factors in evaluating solar panel installation, including:
 - [1] The structure's historic character and architectural importance;
 - [2] The purpose of the installation;
 - [3] Alternative means to conserve energy;
 - [4] Visibility from adjacent public streets and adjoining properties; and
 - [5] The project's design and compatibility with the structure.
- (c) The essential form and integrity of the historic property and its environment should be unimpaired.
- (d) Site-mounted. Consider solutions that respect the building's historic setting by locating arrays in an inconspicuous location, such as a rear or side yard, low to the ground, and sensitively screened further to limit visibility.
- (e) Roof-mounted.
 - [1] Solar panels should be flush with or mounted no higher than a few inches above the existing roof surface. They should not be visible above the roofline of a primary facade. On a flat roof, solar panels should be set back from the edge.
 - [2] Ensure that solar panels, support structures and conduits blend into the surrounding features of the historic resource. Visibility of solar panels and support structures can be substantially reduced if the color matches the historic resource and reflectivity is minimized.
 - [3] Solar panel installations should be reversible. The use of solar roof tiles, laminates, glazing or other technologies that require removal of intact historic fabric or that alter permanently or damage such fabric shall be avoided. Consider placing solar panels on an existing non-historic addition or on an accessory structure. In cases where new buildings or new additions to historic buildings are proposed, the placement of the solar panels should

be on the new construction. Avoid disjointed and multi-roof solutions.

- (8) Exceptions to the above, based on unnecessary hardship, may be considered and granted by the Commission. **[Amended 3-10-2020 by Art. 3]**

Explanation

The amendments seek to clarify the process for ordinary maintenance or repairs with like materials, align procedures for Town owned and public buildings with state law, align application procedures with NHRSA 676:9, and balance the regulation of signage with constitutional requirements.