

ARTICLE #\_

AMENDMENT #\_

## Hampton Zoning Ordinance Amendment

**Workforce Housing and Affordable Housing** are presently defined in the Zoning Ordinance and are permitted residential uses. With that said, the following proposed amendments are intended to add clarity and to help address compliance with the NH Workforce Housing Law, which is provided in RSA 674:58 through 674:61:

Amend Article II – Districts. Section 2.7 Professional Office/Residential District (New Section C.1.f), Section 2.8 Town Center District (Amend Section C.1 and add New Section D.2 for the Town Center-Historic District. Add New Section E.6 for the Town Center South and North Districts). Amend Article XIX-B Liberty Lane Overlay District. Section 19-B.4 Permitted Uses and Facilities (Amend Section 1). The purpose of each of these changes is to clarify and codify that the Town of Hampton’s requirements for permitted residential uses are the same for Affordable Housing and Workforce Housing.

Amend Article III – Use Regulations. New Section 3.51 codifying that Workforce Housing and Affordable Housing, as defined under Article 1.6, are permitted uses, provided that the type of residential use proposed (single-family, two-family, or multi-family) is also permitted. Additionally, New Section 3.51 includes provisions to ensure that only eligible households purchase or rent/occupy Workforce Housing units.

Amend Article VII – Exterior Design. Modify the first sentence of said Article to codify that exterior design requirements shall apply to any proposal for residential units that meet the definition for Affordable Housing or Workforce Housing.

Amend Article VIII – Multi-Family Dwellings. Add sentence to Section 8.1 codifying that the requirements for multi-family dwellings shall apply to any proposal for multi-family dwelling units that meet the definition for Affordable Housing or Workforce Housing.

Amend Article IX – Manufactured Home Parks. Add New Section 9.1.9 clarifying that if a manufactured home park is proposed to contain dwellings that qualify as Affordable Housing or Workforce Housing the same requirements (those currently listed in Article IX) shall apply.

Amend Article XV – Elderly Housing Standards. Add New Section 13 clarifying that if elderly housing units are proposed to contain dwellings that qualify as Affordable Housing or Workforce Housing the same requirements (those currently listed in Article XV) shall apply.

Existing Text

### Existing Text Relevant to Proposed Amendments

~~Text To Be Removed~~

Text To be Added

## Section 1.6 Definitions

**Affordable Housing:** Per the definition provided in NH RSA 674:58 I, and as amended.

**Workforce Housing:** Per the definition provided in NH RSA 674:58 IV, and as amended.

## Section 2.7 Professional Office / Residential District

**A. Purpose.** The Professional Office / Residential District (POR) is intended to permit development and continuance of small-scale service and office uses, designed to serve residential neighborhoods and or the Town of Hampton as a whole. Combined commercial-residential (mixed-use) structures are appropriate in this district. Parking requirements in this district recognize the pedestrian and transit orientation of customer trips, and the shared use of both on-street and off-street parking. The district is intended to promote the mixed growth of dwellings and employment opportunities that compliment and support the high quality of life found in Hampton.

**B.** The District Boundaries are as displayed on the Town of Hampton Zoning Map.

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

(1) Principal uses. (Amended 2018, 2022)

- a. Single family residential. (As defined under Article 3.1 of the Zoning Ordinance)
- b. Banks, offices and professional establishments, such as insurance agencies, real estate offices, attorney offices, medical professionals and/or other similar businesses, providing direct services to consumers. (All new uses will require a use change and/or site plan review and approval by the Hampton Planning Board).
- c. Two-family dwellings.
- d. Multi-family dwellings (in accordance with Article VIII).
- e. Churches, schools, libraries, and municipal uses.
- f. **Workforce Housing and Affordable Housing, as defined under Article 1.6 of the Zoning Ordinance.**
- g. The Planning Board may approve other uses which are permitted in the RA and/or RB Zoning Districts (in accordance with Article III) if similarity with surrounding residential uses is demonstrated by the applicant. (All new uses will require a use change and/or site plan review and approval by the Hampton Planning Board).

## **Section 2.8 Town Center District**

(Adopted March 2014)

### **A. Purpose**

The Purpose of this district is to encourage the development and re-development of Hampton town center in keeping with its historic development pattern, including the size and spacing of structures and open spaces. Such development shall:

- Be designed for residents'/guests' enjoyment, safety and adequate accessibility;
- Provide a mix of uses;
- Encourage amenities including options for pedestrians and bicyclists, including safe crosswalks, sidewalks, attractive alleyways and lighting, and landscaping;
- Retain existing buildings with historical features or architectural features that enhance the visual character of the community; and
- Provide a safe and aesthetic environment for vehicular travel.

The provisions that follow will be used in conjunction with other zoning regulations adopted by the Town and the site plan review and subdivision regulations adopted by the Planning Board to encourage appropriate and consistent patterns of town center development.

### **B. Applicability**

The standards within this section are applicable within the Town Center District whose location is consistent with the Vision and Goals of the Hampton Master Plan. This district is generally consistent with the current Business District along Lafayette Road extending generally from the NH Route 101 interchange to Ann's Lane. The specific boundary can be determined from the Town of Hampton Zoning Map, April 1, 2009 as amended by the mapping of the Town Center Zoning District dated January 29, 2014, which repeals those portions of the B, I, POR and RA zoning districts lying within the Town Center District and reassigns same to the Town Center-South District (TC-S), Town Center-Historic District (TC-H) and Town Center-North District (TC-N).

#### **Town Center District**

Within the Town Center District there are three districts:

- The Town Center-South District (TC-S), which includes the area generally along Lafayette Road from NH Route 101 to just north of the Winnacunnet Road intersection.
- The Town Center-Historic District (TC-H), which includes the area generally along Lafayette Road from just north of the Winnacunnet Road intersection to the Rice Terrace intersection.
- The Town Center-North District (TC-N), which includes the area generally along Lafayette Road from Rice Terrace to the Ann's Lane intersection.

### C. Permitted Uses in Town Center-Historic District

(Amended 2015, 2018, 2021, 2022, 2024)

The following uses are permitted in the Town Center-Historic District.

1. Apartments up to two units per building above non-residential use, **including units that qualify as Workforce Housing or Affordable Housing units;**
  2. Convenience stores;
  3. Pharmacies;
  4. Cafés (including cyber-cafés);
  5. Art galleries;
  6. Grocery or neighborhood convenience stores, excluding the sale of motor vehicle fuels;
  7. Business and professional offices;
  8. Retail sales and services (see Note 4);
  9. Banks;
  10. Personal services establishments (as defined in Section 1.6);
  11. Restaurants, except the use of drive-up windows;
  12. Bed & Breakfasts establishments;
  13. Hotels;
  14. Outdoor seating associated with restaurants or cafés subject to applicable licensing/ permitting requirements;
  15. Artist's residential and/or work space establishment;
  16. Mobile Food Service Vendors on Private Property (in accordance with Section 3.49);
- Notes:
17. Day care establishments for no more than three children; and
  18. Conditional uses as set forth below.

Planning Board in accordance with Section 1.5 of the Zoning Ordinance.

3. Any use change which, in the opinion of the Building Inspector or the Town Planner, requires Planning Board approval in order to safeguard the health, welfare, convenience and safety of Hampton's citizens and recreational guests shall require Use Change Approval.
4. The following retail uses are prohibited in this District:
  - a. Martial Arts Weapons, as defined in Section 3.46
  - b. Firearms and ammunition sales
  - c. A business selling accessories intended for tobacco use, where more than 15% of the total display, shelf, rack, table, stand, or floor area is devoted to such accessories.

1. Any use not specifically enumerated above is deemed to be prohibited in this District.
2. Permitted uses may require Site Plan and/or Subdivision approval by the Hampton

#### **D. Conditional Uses in the Town Center-Historic District**

The following uses are classified as conditional uses and shall adhere to the dimensional and design standards of this Section. These uses may be permitted by the Planning Board if they comply with the Conditional Use Standards of Subsection E.

1. Multi-family dwellings above non-residential use (also see Article VIII);
2. **Workforce Housing and Affordable Housing, as defined under Article 1.6 of the Zoning Ordinance.**
3. Family day care; and
4. Group day care.

## E. Permitted Uses in the Town Center-South and Town Center-North Districts

(Amended 2015, 2018, 2020, 2021, 2022, 2024)

The following uses are permitted in Town Center-North and Town Center-South Districts:

1. Two-family dwellings,
2. Bed & Breakfast establishments
3. Retail Sales
4. Lodging houses
5. Multi-family dwellings (also see Article VIII)
6. **Workforce Housing and Affordable Housing, as defined under Article 1.6 of the Zoning Ordinance.**
7. Private schools
8. Outdoor recreation facilities
9. Farm buildings
10. Public Utility Buildings
11. Accessory Uses
12. Banks
13. Professional Offices
14. Theaters
15. Health Clubs
16. Personal services establishments (as defined in Section 1.6)
17. Restaurants
18. Warehouses
19. Domestic pet grooming shops
20. Motor vehicle repair & filling stations
21. Parking facilities
22. Manufacturing incidental to a business
23. Health care facilities
24. Day care for 3 or less children
25. Dwelling unit with business
26. Family and Group day care
27. Auto Dealers
28. Mobile Food Service Vendors on Private Property (in accordance with Section 3.49)
29. Alternative Treatment Center: Non-Cultivation Location (as regulated by the State of New Hampshire (RSA 126-X)) ***Town Center-North District only***

### Notes:

1. Any use not specifically enumerated above is deemed to be prohibited in this District.
2. Permitted uses may require Site Plan and/or Subdivision approval by the Hampton Planning Board in accordance with Section 1.5 of the Zoning Ordinance.
3. Any use change which, in the opinion of the Building Inspector or the Town Planner, requires Planning Board approval in order to safeguard the health, welfare, convenience and safety of Hampton's citizens and recreational guests shall require Use Change Approval.

## ARTICLE III - USE REGULATIONS

Any use not specifically enumerated or defined in the following code is prohibited:

### CODE

**P – Permitted** (Refer to Section 1.5. Permitted uses may require Site Plan, Subdivision, and/or Use Change approval by the Hampton Planning Board.)

**X - Prohibited**

**S - Requires Special Exception from Hampton Zoning Board of Adjustment and Site Plan Review by the Hampton Planning Board** (Amended 1985)

**R - Permitted with Site Plan/Subdivision Review by Planning Board**

**B - Permitted by Building Inspector**

**3.51 Workforce Housing and Affordable Housing, as defined under Article 1.6, provided that the type of residential use proposed (single-family, two-family, or multi-family) is permitted.**

RAA	RA	RB	RCS	B	BS	I	G
P	P	P	P	P	P	X	P

**To ensure that only eligible households purchase or rent and occupy dwelling units designated as Workforce Housing units in any Planning Board application approved under this Article, the following provisions shall apply:**

- 1. For home ownership units, the initial sales price shall be affordable for a household with an income per the definition for housing intended for sale under Article 1.6 and NH RSA 674:58, IV, and as amended.**
- 2. For rental property, rental rates shall be affordable for a household with an income per the definition under Article 1.6 and NH RSA 674:58, IV, and as amended.**

## ARTICLE VII - EXTERIOR DESIGN

Regulations for Exterior Design Appearance of Single, Double, or Multi-Family Dwelling erected in any housing development, including accessory dwelling units attached to single-family dwellings. **Exterior Design requirements shall apply to any proposal for residential units that meets the definition for Affordable Housing or Workforce Housing.** (Amended March 2017, **March 2025**)



## ARTICLE VIII - MULTI-FAMILY DWELLINGS

### Section 8.1

Multi-family dwellings are subject to the approval of a site plan by the Planning Board and must be in conformity with the following standards in all zones. **The requirements for Multi-Family dwellings shall apply to any proposal for multi-family dwelling units that meets the definition for Affordable Housing or Workforce Housing. (March 2025)**

## ARTICLE IX - MANUFACTURED HOME PARKS

### Section 9.1

The owners or agents of any tract of land proposed for manufactured home park development shall submit to the Planning Board a site plan for the use and development of all or part of the tract as a manufactured home park. The Planning Board shall review the plan in accordance with procedures prescribed and thereafter shall prepare a report stating reasons for approval or disapproval. If approved, specific evidence and facts shall be shown that the plan of use and development of all, or part, of the tract as a manufactured home park meets the conditions set forth below.

**9.1.1** That the manufactured home park and the buildings and appurtenant facilities shall be in a single ownership, or under management or supervision of a responsible lessee, or subject to such other supervisory lease or ownership control as may be necessary to carry out the provisions of the Ordinance relating to manufactured home parks.

**9.1.2** That the plan clearly defines the manufactured home spaces and the traffic pattern for vehicular parking and circulation.

**9.1.3** That all manufactured home spaces abut upon a driveway of not less than thirty (30) feet in width, which has unobstructed access to a public street.

**9.1.4** That driveways and walkways within the manufactured home park shall have a permanent dust-free surface.

**9.1.5** That service buildings to house toilet, bathing, and other sanitation facilities and utilities be provided as required by the State Board of Health.

**9.1.6** That the manufactured home park shall have not less than twenty (20) manufactured home spaces available for occupancy before any certificate of occupancy is issued.

**9.1.7** That the plan be consistent with the intent and purposes of this Ordinance to promote public health, safety and general welfare.

**9.1.8** An open space buffer of at least twenty (20) feet shall be preserved along all boundaries of the site. Retained natural wood land shall be the preferred landscaping where approved by the Planning Board. Grass and mounds shall be approved buffer material provided suitable indigenous shrubs and other plant material are used for screening. All structures shall be located at least twenty (20) feet from the interior edge of the buffer zone. Buffers adjacent to roads may be reduced when the surrounding area has been previously developed provided the existing character of the neighborhood is maintained. This may be permitted only upon written recommendation of the Planning Board.

**9.1.9** **If the manufactured home park is proposed to contain dwellings that qualify as Affordable Housing or Workforce Housing, the same requirements shall apply. (March 2025)**

## ARTICLE XV - ELDERLY HOUSING STANDARDS

**Section 15. ELDERLY HOUSING:** Where permitted per Article III, Section 3.48 of this Ordinance, elderly housing is subject to Site Plan Review and approval by the Planning Board and must conform, but not be limited to the following standards.

1. No Elderly Housing shall exceed the height requirement for the District in which it is proposed.
2. The required land area per dwelling unit shall equal that of the underlying district.
3. Any multi-storied building shall be subject to elevators. Elevator shafts shall be exempt from height requirements of the underlying zone.
4. Basement apartments/including any apartments with any portion of living space below grade level are prohibited.
5. Elderly housing shall comply with all Town and State Codes. In addition, State Building Code, NFPA (National Fire Protection Association) Life Safety Codes shall be followed as determined by the Town of Hampton Building Department and Fire Prevention Bureau.
6. Elderly housing shall provide a minimum indoor gathering area of twenty (20) square feet per dwelling unit, not to be less than four hundred (400) square feet per building. This area shall not include dining facilities.
7. Driveways and parking areas shall be located at least twenty-five (25) feet from the front of any building and at least ten (10) feet from the side or rear of any building.
8. All driveways, lighting and landscaping associated with such areas shall conform to construction specifications for new subdivision streets.
9. Parking configuration shall be as determined by the Planning Board. This determination shall take into consideration the type of Elderly Housing being presented.
10. A minimum open buffer zone of at least twenty-five (25) feet shall be preserved along all boundaries of the site. Natural woodlands shall be the preferred landscaping. In locations of no natural woodlands, the Planning Board shall approve the landscaping.
11. All building shall be located twenty (20) feet from the interior edge of the buffer zone.
12. Types of elderly housing permitted are: Group Shared Residence, Supportive Agency-Sponsored Group Shared Residence, Congregate Housing and Lifecare or Continuing Care Retirement Communities or other elderly housing proposals that the Planning Board considers appropriate, after Public Hearing.
13. **If the elderly housing units are proposed to contain dwellings that qualify as Affordable Housing or Workforce Housing, the same requirements shall apply. (March 2025)**

(Adopted March 1998, Amended March 2016)

## **ARTICLE XIX-B – LIBERTY LANE OVERLAY DISTRICT**

### **Section 19-B.1 Purposes**

This overlay district is created for the purposes of facilitating development of real property primarily accessed from Liberty Lane and shall provide for a mix of uses in a safe and aesthetically pleasing environment achieved through high-level building and site design.

### **Section 19-B.2 Boundary**

This overlay district shall consist of any and all real property bounded between the New Hampshire Turnpike (Interstate 95) to the West, New Hampshire Route 101 to the East and North, and Towle Farm Road to the South.

### **Section 19-B.3 Dimensional Requirements**

The dimensional requirements for the Liberty Lane Overlay District shall be the same as those provided for the underlying Industrial (I) Zoning District (see Article IV) but with respect to any residential use, the maximum number of units per structure shall not exceed 120.

### **Section 19-B.4 Permitted Uses and Facilities**

1. Residential Dwelling Units: Single Family, Two-Family, and/or Multi-Family (also see Article VIII for standards for multi-family dwellings) **including units that qualify as Affordable Housing or Workforce Housing units**
2. Condominium
3. Outdoor recreation areas for picnicking and pet exercise
4. Retail Sales and Services
5. Restaurants
6. Business and Professional Offices
7. Personal Services Establishments
8. Hotels
9. Health Care Facilities
10. Health/Athletic Clubs
11. Private Schools
12. Light Manufacturing, including Research and Development
13. Electric Vehicle Charging Stations
14. Accessory Uses