

ARTICLE #03

AMENDMENT #2

Hampton Zoning Ordinance Amendment

Article 4 - Overlay Districts, Section 4.5 - Cottage Court Ordinance

1 **Article 4.5 Cottage Court Ordinance**

2 **4.5.1 Purpose:** The purpose of the Cottage Court Ordinance is to advance the Town of
3 Hampton’s Master Plan Vision—by supporting thoughtful, small-scale residential development
4 that reflects Hampton’s seaside character, promotes housing diversity, and strengthens
5 community resilience.

6 Specifically, the Cottage Court Ordinance seeks to:

- 7 • Encourage infill and redevelopment that complements the established scale and character
8 of existing neighborhoods while enhancing their vibrancy and livability.
- 9 • Expand the range of housing choices to meet the needs of Hampton’s evolving
10 population, including smaller households, young professionals, older adults, and long-
11 term residents, through the creation of smaller, well-designed homes.
- 12 • Support the renovation and reuse of existing or underutilized properties to make efficient
13 use of limited land and existing infrastructure.
- 14 • Promote compact, pedestrian-oriented development patterns that encourage neighborhood
15 connection, safety, and walkability.
- 16 • Foster resilience to flooding and climate change through sustainable site design and
17 building practices that help residents remain in Hampton long-term.
- 18 • Provide property owners and developers with design flexibility and more predictability to
19 create high-quality, attractive, and affordable housing that contributes to the town
20 meeting its community vision.

21 **4.5.2 Authority:** Pursuant to RSA 674:16-21, the Town of Hampton hereby adopts a Cottage
22 Court Ordinance and accompanying regulations in order to provide the opportunity for housing
23 developments that are consistent with the purposes of this Article.

24 As authorized in RSA 674:21, a Conditional Use Permit [“CUP”] shall be required for proposals
25 electing to utilize the provisions of this Article. Conditional Use Permits approved under this
26 ordinance shall meet general applicable criteria for specific conditions that are provided in
27 Article 4.5.6.

28 **4.5.3 District Location:** Cottage Court development shall be permitted in any zoning district
 29 where residential uses are allowed except for the Residential A (RA) and Residential AA (RAA)
 30 Zoning Districts. Existing lots of records with a legal pre-existing, non-conforming residential
 31 use within a zoning district that does not allow residential uses are prohibited from using the
 32 provisions of this Ordinance.

33 **4.5.4 Definitions:**

- 34 • **Cottage Court:** Cottage court is a group of small detached houses, attached houses,
 35 townhouses (two-unit maximum per building), or small-scale buildings with mixed
 36 residential and non-residential uses sharing a common courtyard.
- 37 • **Courtyard:** An open-space courtyard, located in the center of the buildings, which is
 38 used as a common outdoor space that is largely made up of landscaped, vegetated areas.

39 **4.5.5 Permitted Uses:** The following uses as part of a Cottage Court development, if allowed in
 40 the underlying district, are permitted only after a Conditional Use Permit is granted by the
 41 Hampton Planning Board. Cottage Court developments are only permitted in those zoning
 42 districts as specified in Article 4.5.3.

Key	
P	Permitted (Refer to Section 1.5. Permitted uses may require Site Plan, Subdivision, and/or Use Change approval by the Hampton Planning Board.)
S*	Requires Special Exception from Hampton Zoning Board of Adjustment and Site Plan Review by the Hampton Planning Board (Amended 1985)
X	Prohibited
R	Permitted with Site Plan/Subdivision Review by Planning Board
B	Permitted by Building Inspector
Zoning Districts	POR = Professional Office/Residential, TC= Town Center – South, Town Center - Historic, Town Center- North, RB = Residence B, RCS= Residence C-Seasonal, B = Business, BS= Business Seasonal, G = General

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Zoning Districts	POR	TC	RB	RCS	B	BS	G
Single-Family Dwelling	P	X	P	P	X	P	P
Two-Family Dwellings	P	P	P	P	P	P	P
Multi-Family Dwellings	P	P	R	X	R	R	R

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47 **4.5.5.1 Non-Residential Uses:** Non-residential uses, such as, but not limited to the following,
48 are permitted if allowed in the underlying zoning district. Such uses may be included as part of a
49 Cottage Court development provided that the requirements in Section 4.5.5.2 are met for the
50 following:

- 51 • Convenience stores;
- 52 • Pharmacies;
- 53 • Cafés (including cyber-cafés);
- 54 • Art galleries;
- 55 • Business and professional offices;
- 56 • Retail sales and services, except for:
 - 57 ○ Martial Arts Weapons;
 - 58 ○ Firearms and ammunition sales;
 - 59 ○ A business selling accessories intended for tobacco use, where more than 15% of
 - 60 the total display, shelf, rack, table, stand, or floor area is devoted to such
 - 61 accessories.
- 62 • Banks;
- 63 • Personal services establishments;
- 64 • Restaurants, except for the use of drive-up windows;
- 65 • Bed & Breakfasts establishments;
- 66 • Artist’s residential and/or work space establishment;
- 67 • Day care establishments for no more than three children;
- 68 • Family Child Care;
- 69 • Group Family Child Care.

70 **4.5.5.2 Non-Residential Use Standards:** Any non-residential use included within a Cottage
71 Court development shall meet the following requirements:

- 72 • The non-residential use must be located on a public right-of-way.
- 73 • The non-residential use or uses may be a maximum of 1,500 square feet.
- 74 • The non-residential use may only occupy the first floor of any structure, but residential
75 uses may exist above the non-residential use.
- 76 • The non-residential use shall not detract from the Cottage Court development’s purpose
77 as stated in Article 4.5.

78 **4.5.6 Conditional Use Permit Criteria:** The Planning Board may grant a Conditional Use
79 Permit only after written findings of fact are made that all of the following are true:

- 80 1. The proposed development complies with the Design Standards set forth in this Article.

- 81 2. The proposed development complies with the Hampton’s Site Plan and/or Subdivision
82 Regulations, as applicable. Where conflicts exist between this Article and the Site Plan
83 and Subdivision Regulations, the standards of this Article shall apply.
- 84 3. The proposed development is compatible with the neighborhood and will not
85 detrimentally affect the quality of life or characteristics of the site and the surrounding
86 neighborhood.
- 87 4. The proposed development complies with all other applicable sections of the Hampton
88 Zoning Ordinance.
- 89 5. The proposed development may include any reasonable conditions attached to such
90 permit by the Planning Board deemed necessary to carry out the intended purpose of this
91 Article.
- 92 6. The proposed development is consistent with the Purpose of this Article as described in
93 4.5.1.

94 **4.5.7 Design Standards**

95 **Minimum Dimensional Standards.** All Cottage Court developments shall meet the minimum
96 dimensional standards specified in this Section. If not specified in this Section, or elsewhere in
97 this Ordinance, the dimensional requirements of the underlying zoning district shall apply.

Minimum Lot Size	None
Minimum Frontage for a Driveway	30 feet
Minimum Frontage for a Road	50 feet
Perimeter Setback	Shall match that of the underlying zoning district per Article 2.2.
Maximum Impervious Coverage	Shall match that underlying zoning district per Article 2.2 or the Groundwater Protection District per Article 4.3, if applicable.

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99 **Height Standards**

100 The maximum height shall be the same as that underlying zoning district. For sites located within
101 a flood zone, height standards shall comply with Hampton Floodplain Management requirements
102 in Article 4.3.

103 **Density**

104 Density determinations shall be determined on a site-specific basis, provided that the provisions
105 of this Article are met, all applicable building and fire codes are met, and adequate water and
106 wastewater facilities are provided in accordance with New Hampshire Department of
107 Environmental Services (NHDES) standards.

108 **Dwelling Unit Size**

109 No minimum unit size is required, except as dictated by applicable building and fire codes. All
110 new units within the development shall have a maximum size of 1,250 square feet (sf) gross
111 floor area, excluding garages. The maximum building footprint shall be 900 sf per unit,
112 excluding porches and garages, except for age restricted (55+) as defined in RSA 354-A:15,
113 which shall be a maximum of 1,000 sf.

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115 **Courtyard Space**

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117 At least 150 square feet of courtyard space shall be required per dwelling unit in all zones.
118 Courtyard space shall not include perimeter setbacks, driveways, parking areas, buildings,
119 stormwater management areas or areas located within a wetland or wetland setback.

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121 **Parking**

122 Each dwelling unit shall be provided at least one off-street parking space on the site. For
123 developments that include non-residential uses, parking requirements shall be the same as
124 specified under Article 6.6 Parking.

125 **Driveways**

126 Driveways providing access to three or more units and drive aisles internal to the
127 site shall have a minimum width of 20 feet and a maximum width of 24 feet of paved width if
128 two-way, and a minimum of 10 feet and a maximum of 12 feet of paved width, with 18 feet clear
129 width for fire-access, if one-way. Where feasible, driveways should incorporate design features
130 that give them the appearance of streets, including sidewalks, street trees, and lighting.

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132 **Site and Architectural Design**

133 Projects proposed under this Article should endeavor to “fit in” or be respectful of the context of
134 the surrounding neighborhood. Approval of overall design should be gauged by adherence to the
135 following design guidelines.

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Easier to Approve	More Difficult to Approve
Narrower to the front of the site.	Wider to the front of the lot.
Parking is located to the side or rear of the site or is otherwise screened from the front of the site.	Parking is visible to the front of the site.
Courtyard space that is accessible to the majority of dwelling units on the site.	Limited courtyard space adjacent to the majority of dwelling units on the site.
Architectural design and materials that are consistent with those buildings found in the	Architectural design and materials that depart from the surrounding area or are untraditional.

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surrounding area or are consistent with traditional New England design.	
Dwelling units with porches and small areas of private outdoor space.	Dwelling units with limited or no private outdoor space.
Retention of existing natural vegetation or landscaping that helps unify the site with the surrounding area.	Limited retention of existing vegetation or landscaping provided.
Connecting pedestrian way to existing public sidewalks and trails when a site is located within the vicinity of either.	Design with limited ability for pedestrian movement to and from the site.

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