

PROPOSED ZONING AMENDMENTS FOR THE 2007 TOWN MEETING AND WARRANT

Note: Matter added to the current ordinance appears in underline. Deleted matter appears as ~~stricken through~~.

AMENDMENT NO. 1

Amend the Zoning Ordinance, 1) **ARTICLE I – GENERAL, Section 1.6 Definitions** to revise the definition of hotel to provide a more explicit and precise definition of a “hotel” so that hotel units (intended for transient use) may be better distinguished from dwelling units (intended for permanent residence) and 2) **ARTICLE VI PARKING**, Section 6.3.2 by adding a new requirement for hotels/motels which will be based on sleeping room size as follows:

1) Section 1.6 Definitions

Hotel: A facility offering transient lodging accommodations on a daily rate to the general public and which may provide additional services such as a restaurant, meeting rooms, and recreational facilities for its guests. (Adopted 1991) The following standards are established for the development of hotels:

- a) Use of hotel rooms as permanent residences is prohibited.
- b) Hotel rooms equipped with a refrigerator up to five cubic feet in size, a microwave, a coffee maker and a second sink are exempt from an impact fee assessment. All hotel rooms with a kitchen will be assessed the multi family impact fee.
- c) Each hotel shall have an office for the purpose of operations, including but not limited to maintenance, unit rental and general management. This required office must be located in Hampton. Each hotel must have a 24 hour emergency number.

Condominium Hotel: A building constructed, maintained and operated and managed as a hotel in which each room is individually owned and in which some or all of the rooms are available for rent and where the structure, common areas and facilities are owned by all the owners on a proportional, individual basis.

Cooperative ownership: A multiple-family dwelling owned and maintained by the residents. The entire structure and real property is under common ownership as contrasted to a condominium dwelling where individual units are under separate individual occupant ownership.

Time Share Ownership: Concept of property ownership through which a purchaser receives a) the right in perpetuity, for life or for a term of years, to the recurrent, exclusive use or occupancy of a lot, parcel, unit, or segment of the real property, annually or on some other periodic basis, for a period of time that has been or will be allotted from the use or occupancy periods into which the property has been divided, or b) a property interest in which a license or contractual or membership right of occupancy is not coupled with any title in fee in the real property.

2) **ARTICLE VI PARKING, Section 6.3.2** Hotels/Motels shall provide one parking space for the first 330 square feet of sleeping room space. One additional space shall be provided for hotel sleeping rooms greater than 330 square feet. One additional parking space must be provided by hotels/motels for each

sixteen (16) units as guest parking. Sleeping rooms in hotels, motels and rooming houses: One space per sleeping room plus one guest space per sixteen units.

AMENDMENT NO. 3

Amend the Zoning Ordinance, **ARTICLE II DISTRICTS 1) Section 2.1 Zoning Map** to change a portion of the Residence A & Residence B Zoning Districts to a new designation of Professional/Office Residential (POR) District in the area of Winnacunnet Road and High Street (between Lafayette Road and Mill Road) and 2) **ARTICLE II DISTRICTS** to add a new **Section 2.7 Professional/Office Residential District** as follows:

Section 2.1 Zoning Map

<u>District</u>	<u>Map Symbol</u>
Adult Entertainment	AE
Residence AA	RAA
Residence A	RA
Residence B	RB
Residence C- Seasonal	RCS
Business	B
<u>Professional</u>	<u>POR</u>
<u>Office/Residential</u>	
Business-Seasonal	BS
Industrial	I
General	G

NOTE: The Zoning Map was changed by amending the portions of the RA and RB zoning districts to POR for the properties which are bounded by the following description: Beginning at the edge of the RB district located at the northwesterly corner of Map 162, Lot 43 proceed south along the westerly property lines of Map 162, Lot 43, Map 177, Lots 1, 5, 11, 15, 19, 22 across Winnacunnet Road to the northeasterly corner of Map 177, Lot 41. Proceed south along the easterly property boundaries of Map 177, Lots 41, 43, 44 to the southeasterly corner of Map 177, Lot 44. Proceed west along the southerly boundary of Map 177, Lot 44 to Map 177, Lot 39 then south along the easterly boundary to the southeast corner of said lot then proceed west along the southerly boundaries of Map 177, Lot 39 and Map 176, Lots 25, 24, 23, 21, 26, 26-1, 18, and 17 to the easterly edge of the existing B district. Proceed north along the edge of the existing B district then east along the same boundary and then north again along same boundary to High Street then east along southerly side of High Street to the point of beginning. The following properties are also changed to be included in the POR district: Map 161, Lots 7, 8, 9 and 10. The following properties are not included in the POR District: Map 161, Lots 29, 30, 31, 32, 34, 35, 36, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50 and 51; Map 176, Lots 1, 2 & 2A, 4, 5 and 6.

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, 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.

a. Single family residential.

b. Professional services (All uses subject to Site Plan Review Approval by the Hampton Planning Board):

1. Artists' studios except tattoo parlors and body piercing studios.

2. Banks, savings and loan associations and other financial institutions, including automatic tellers and accessory drive-up services, provided that there are five on-site reservoir spaces per drive-up window or automatic teller.

3. Clinics, for people only.

4. Governmental Facilities

5. Office buildings.

6. Professional Services such as offices for doctors, attorneys, architects, engineers, accountancies, etc.

6. Photographic studios.

7. Travel agencies

c. Other activities not included in any other category but that are of a compatible nature with surrounding residential uses.

D. Height, setback and area regulations. In the POR, the height of the buildings or structures, the minimum dimensions of lots and yards and the minimum lot area per family permitted on any lot shall be as follows, provided that buildings erected exclusively for dwelling purposes shall comply with the front, side and rear yard requirements shall comply with Hampton zoning for single family residences.

(1) Height. Buildings or structures shall not exceed two and one-half stories or 35 feet in height.

(2) Front setback.

a. Single-family residential dwelling structure shall comply with Town of Hampton zoning for single family structures. All other residential dwelling structures shall conform to the requirements contained in subsection (g), architectural standards.

b. Nonresidential or mixed use structure shall maintain a twenty foot front setback. Mixed use structure shall be defined as a structure containing both residential and nonresidential uses.

(3) Side setbacks.

a. Single family residential dwelling structure shall comply with existing zoning for such structures.

b. Nonresidential or mixed use structure shall maintain a ten foot side setback.

(4) Rear setbacks.

a. Residential dwelling structure.

b. Nonresidential or mixed use structures shall maintain a ten foot rear setback.

(5) Lot area.

The minimum lot area in the district is 10,000 square feet.

E. Parking and loading regulations. Loading regulations for all uses and parking for buildings erected exclusively for dwelling purposes shall be as found in the Town of Hampton Zoning Ordinance. There are no minimum non-residential parking requirements in this district. An individual non-residential use must provide parking deemed adequate during the site plan review process. Multiple tenants in a common structure or structures sharing a common wall shall be considered an individual use for purposes of this calculation. Provision for off-street parking must be made and all parking areas must be screened as described in section (g) below.

F. Signs. Signs shall be allowed as permitted by the Town of Hampton Zoning Ordinance. All signage location must be approved during the individual site plan review process. Signs must be in character with surrounding uses and construction materials for signs shall mimic those used in the construction of the subject business. For purposes of this district, " a licensed or unlicensed vehicle, boat or trailer displaying advertising copy, other than an operable vehicle used in the daily conduct of business, is considered a sign, and is prohibited.

G. Maximum building size. No building in this district shall exceed 7,000 square feet in area for any single floor. "Building" for this purpose is defined as a separate structure or a building or tenant space sharing a common wall through which no access is allowed.

H. Architectural standards.

(1) Screening. Parking for non-residential or mixed use structures must be screened from residential abutters by a wall, fence, landscaping or berm between 18 inches and 42 inches in height.

Roof-mounted mechanical equipment must be screened from the view of the street and adjacent property.

Dumpsters and other waste receptacles must be enclosed by a solid wall or fence at least as high as the receptacles.

(2) Lighting. Floodlights or lights which illuminate open areas in connection with any of the uses listed in this section shall be so arranged as to reflect the light away from any adjoining residential property, and the intensity shall not exceed two lux measured at any property line.

AMENDMENT NO. 4

Amend **ARTICLE III - USE REGULATION** to provide revised descriptions for certain use categories as follows:

3.5 Retail Sales (as defined in Section 1.6-Definitions)

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

(Amended 1996)

3.6 Lodging Houses as defined in Section 1.6 - Definitions*

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

*(Amended 1991)

3.14 Race tracks, roller-skating rinks, mechanical amusement rides or similar commercial amusements, either indoor or outdoor. *

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

*(Amended 1985)

3.22 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. *

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

3.23 Theaters and halls devoted to showing motion pictures or for drama, dance, musical or other live performances. *

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

3.24 Health/Athletic Clubs, service clubs or fraternal organizations, and their premises catering to members and their guests, or to the public, for social, intellectual or recreational purposes. *

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

*(Amended 1991)

3.25a Beauty and Barber Shops, Nail Salons, Cosmetologists, Spas, skin care therapies, tanning salons, massage therapists, and other like beauty-health service facilities as regulated by the State of New Hampshire (RSA 313-A) *

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

*(Amended 2003)

3.28 ~~Coal, coke, wood and building material yards and landscape materials storage and sales. (Amended 1996)*~~ Replace with Storage and/or sales yards for coal, cordwood, building materials and landscape materials.

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

*(Amended 1996, 2007)

3.43 Dealer as defined in Section 1.6 - Definitions*

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

*(Adopted 1997, Amended 2007)

AMENDMENT NO. 5

Amend the Zoning Ordinance, **ARTICLE IV – DIMENSIONAL REQUIREMENTS, Table II (1,2,9)**, Section 4.1.1 to revise the duplex provision in the Residence B Zoning District for minimum lot area per dwelling unit to eliminate the conflict between Sections 4.1 and 4.2 as follows:

Section 4.1.1 Min. lot area per dwelling unit (sq. feet) in the RB District shall be changed from ~~7,500~~ to 5,000.

AMENDMENT NO. 6

Amend the Zoning Ordinance 1) **ARTICLE VI – PARKING, Section 6.3** to revise the parking requirements to further specify that parking must be on-site and clarify that stacked parking for Condominium Conversions of Pre-existing Non-Conforming Uses shall constitute one parking space and 2) **Section 1.6 Definitions, Parking Space** by adding a definition of **Stacked Parking** as follows:

Section 6.3.9 – All parking must be on site ~~or be assured perpetual existence by easement.~~ (Adopted 1983)

Section 6.3.10 – Condominium Conversions of Pre-existing Non-conforming Uses: At least one (1) assigned 9’x 18’ parking space per unit must be provided on-site. (Adopted 2006) Add the wording Stacked parking shall constitute one parking space regardless of the number of parking spaces in the stack.

Section 1.6 – Definitions, Parking Space:

Stacked parking means a parking situation where more than one space exists in a line of spaces and only one space in the line has unobstructed access at all times into or out of the adjacent street or right-of-way.

AMENDMENT NO. 7

Amend the Zoning Ordinance, **ARTICLE VIII – MULTI-FAMILY DWELLINGS, Section 8.2.1** to exempt the current Hampton Beach Village District area from the requirement of providing 400 square feet of recreational area per unit, as follows:

Section 8.2.1 Multi-family dwellings shall provide a minimum of 400 square feet of recreation area per dwelling unit, except in the current Hampton Beach Village District area where such requirement shall not apply.

AMENDMENT NO. 8

Amend the Zoning Ordinance, **ARTICLE XI – CONSTRUCTION PROVISIONS, Section 11.4 Sprinkler Systems** to update the wording for sprinkler systems and the fire alarm system to bring it into compliance with current code and systems as follows:

Section 11.4a) No building used or designed for permanent or temporary human residence, other than single family dwellings shall be permitted to be constructed after the date of enactment of this section, of three or more stories or six or more attached wood frame living units being two stories in height, unless furnished with a sprinkler system installed in accordance with standards set forth in the State Building Code/National Fire Prevention Code, ~~1987~~ Edition and NFPA Standard 13, 13D or here applicable, 13R residential sprinkler systems. Replace with most recent.

Section 11.4.c) Sprinkler systems installed meeting NFPA Standard 13 shall be connected to the ~~Hampton Municipal Fire Alarm System via Master Box~~. Installation shall conform to the minimum requirements of the Hampton Fire Department. Replace with UL listed central station monitoring company.