

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

ARTICLE 2

Are you in favor of the adoption of Amendment No.1 as proposed by the Planning Board to amend the Zoning Ordinance in following manner: 1) ARTICLE II DISTRICTS, Section 2.1 Zoning Map to change a portion of the Business Seasonal (BS) zoning district to Beach Commercial (BC). 2) Add to ARTICLE II DISTRICTS a new section titled Section 2.6 Beach Commercial as follows:

Section 2.6 Beach Commercial (BC) District

2.6.1 Purpose

The Beach Commercial (BC) district is intended to enhance the value of land and buildings, to unlock the potential of creative architecture and development, to create incentives for new development, to establish adequate setback regulations, and to create new definitions for the district while preserving the character of this historically lively oceanfront area of Hampton.

2.6.2 Boundaries

The Beach Commercial (BC) district shall be within the boundaries shown on the Town of Hampton Zoning Map.

The boundary of the Beach Commercial (BC) district shall encompass the following maps and lot numbers:

Map 282 Lots 27-28, 43, 53, 82-86, 87-1, 87-2, 103, 104, 108, 121-122, 136-138, 140-141, 166-168, 170, 173-174, 183-184, 204-212. Map 287 Lots 4-5, 7-11, 13, 18-20, 20A, 20B, 21, 26-27, 29, 32-33, 35-43, 50. Map 290 Lots 1, 1A-1D, 2-4, 5-1, 5-2, 6, 13-31, 42, 49-56, 66-67, 73-83, 88, 94, 99-118, 123, 135-146, 150, 162-168. Map 293 Lots 7-8, 13-18, 21, 23-24, 30-41, 43, 50-61, 66-68, 75-83, 86, 91-100, 202-105, 110-123, 127-140, 150-152, 158-163, 166-176. Map 296 Lots 3-8, 10-11, 15-1, 15-2, 16-17, 19-21, 29-33, 43-49, 61-68, 78-80, 86-88, 103-107, 123, 125-128. Map 295 Lots 31 and 49

2.6.3 Protection of Existing Zoning

The zoning requirements for the BS, G, RA, RB and RCS districts shall remain an integral part of the Town of Hampton Zoning Ordinance and shall be neither modified, repealed nor amended by this Article.

Where the Beach Commercial district provisions are silent on a zoning rule or regulation, the zoning requirements of the Town of Hampton Zoning Ordinance shall apply.

Uses permitted in the Beach Commercial district shall include all uses permitted in the Business Seasonal district, except those specified in herein.

2.6.4 Definitions

Existing definitions set forth in the Town of Hampton Zoning Ordinance shall apply to all developments within the Beach Commercial district, except that the following additional definitions shall apply to the Beach Commercial district:

- A. Building Height: This height shall be determined by the vertical distance measured from grade plane to the average height of the highest roof surface. The average height of sloped roofs is the mid-height between the roof eave and the roof ridge regardless of the shape of the roof.
1. Unoccupied architectural appurtenances (i.e. turrets, cupolas, bell towers, etc.) and structural screening (i.e. facades, parapets, low wall extensions and railings used to screen mechanical equipment, roof top units, elevator over rides, exhaust hoods, etc.) shall be excluded.
- B. Drive-Through Retail Establishment: Any business, commercial and or retail use, which utilizes a vehicular drive-up window.
- C. Habitable Space: An area of any structure that is legally accessible and intended for human occupancy for residential, business, or commercial uses. Mechanical rooms, parking areas, storage areas, closets, bathrooms, toilet rooms and other passive accommodations shall not constitute habitable space.
- D. Mixed-Use Development: A development that contains a combination of residential use and one or more permitted principal business or commercial uses, which are retail and/or professional in nature. A combination of a business or commercial parking facility with residential dwelling units shall not constitute a mixed-use development.
- E. Parking Space: An on-site, or off-site parking space having an area of not less than 162 square feet, with minimum dimensions of nine (9) feet wide by eighteen (18) feet long measured at right angles, plus access and maneuvering space, whether inside or outside a structure, exclusive of driveways, for the exclusive and permanent use as a parking space for one motorized vehicle, and further being surfaced with durable pavement and connected with a street, right of way or immediately by a surfaced driveway which affords satisfactory ingress and egress.
- *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. Stacked parking shall constitute one parking space.
- F. Recordable Deed: A provision, acceptable in form and substance to the Town Attorney, and the Planning Board, in a deed of real property that runs with the land in perpetuity or for the longest period of time allowed by law, so as to be binding on and enforceable against any person claiming an interest in the property. The deed shall limit the redevelopment of the property for any other purpose or use other than the proposed purpose or use, and shall bind all subsequent purchasers in perpetuity.
- G. Recreation Space
1. Recreation Space - Active: Recreational uses, areas, and activities oriented toward competition activities and involving special equipment. Playgrounds, sports fields and courts, swimming pools, picnic areas, biking trails and golf courses are examples of active recreation uses.
 2. Recreation Space - Passive: Recreational uses, areas or activities oriented to noncompetitive activities, which either require no special equipment or are natural areas. Bicycle riding, hiking and bird watching are examples of passive recreation activities.

- H. Residential/Commercial Parking Development: A development that contains a combination of either residential, business or commercial units on the upper floors of a structured parking facility.
- I. Setback: Setback is the horizontal distance measured perpendicularly from the property line inward to the nearest structure.
- J. Yard: An area of open space unobstructed from the ground up, extending along a property line and inward to the nearest structure.
1. Front Yard: A yard extending for the full width of the lot between the front line of the nearest structure and the front property line.
 2. Side Yard: A yard unoccupied, except by an accessory structure or accessory use as herein permitted, between the nearest structure and the side property line. In the case of a lot having no street frontage or a lot of odd shape, any yard that is not a front yard or a rear yard shall be considered a side yard.
 3. Rear Yard: A yard, unoccupied except by an accessory structure or accessory use as herein permitted, extending for the full width of the lot between the rear line of the nearest structure and the rear property line.
- K. Valet Parking: A service of parking cars, to provide parking at an off-site location to visiting guests.

2.6.5 Use Regulations

A. Permitted uses:

Uses permitted in the Beach Commercial district shall include all uses permitted in the Business Seasonal district, except those specified in herein. The following uses shall be permitted uses in the Beach Commercial district:

1. Mixed-use development.
2. Residential/Commercial parking development.
3. Fish and shellfish, wholesale and retail sale.
4. Roller-skating and ice-skating rinks.

B. Prohibited uses:

Any use not specifically enumerated or defined in the Town of Hampton's Zoning Ordinance shall be prohibited.

In addition to those uses prohibited in the Town of Hampton, the following uses shall be prohibited in the Beach Commercial district:

1. Drive-through retail establishment.
2. Automobile garage, repair, sales, and service.
3. Moped rental, sales, repair and service.
4. Filling Stations.
5. Car wash.

6. Tattoo parlor.
7. Chemical warehouse.
8. Motorcycle repair, sales and service.
9. Warehouses.
10. Storage and/ or sales yard for coal, cordwood, building materials and landscape materials.

2.6.6 Dimensional Requirements

- A. Maximum height allowed: 65 feet with the exception that unoccupied architectural appurtenances to which there is no permanent access (cupolas, spires, chimneys, flagpoles, air conditioning units, etc.) and comprising not more than 25% of the structure's footprint in plan view shall be excluded.
 - i. In no instance shall any appurtenance extend to a point greater than 75 feet in height measured vertically from the established average grade plane.
- B. Minimum lot area (sq. feet): 5,000
- C. Minimum lot area per dwelling unit (sq. feet): 1,250
- D. Minimum frontage (sq. feet): 50
- E. Minimum lot width (sq. feet): 50
- F. Minimum habitable space per dwelling unit (sq. feet): 400
- G. Residential Recreation Space requirement: Minimum requirement for the first 3-5 units proposed is 550 sq. ft.; for each additional unit proposed over 5; an additional 100 sq. ft. per unit is required; for each unit proposed over 10, an additional 50 sq. ft. per unit is required.
- H. Maximum amount of sealed surface per lot, including but not limited to driveways, parking lots, and structure envelope: 85%
- I. Setbacks:
 1. Front setback: 4 feet minimum setback. If frontage is located on Ashworth Avenue or Ocean Boulevard, the maximum allowed front setback shall be 20 feet.
 - a. Balconies, decks, porches, and other similar elements shall be considered part of the structural front setback requirement and the setback shall be measured from the vertical plane of the most projected surface, but a cantilevered section, an entrance way or permanently installed canopy is excluded.
 2. Corner lots: If the lot is a corner lot, then the address of the lot shall be considered the front setback, any other frontage(s) shall be considered a side setback.
 3. Side setback: 4 feet minimum setback.
 - a. Cantilevered sections, overhangs, balconies, decks, porches, and other similar elements shall be considered part of the structural setback requirement for side setback and the setback shall be measured from the vertical plane of the most projected surface.
 4. Rear setback: 7 feet minimum setback.

5. Any yard that is not a front yard or a rear yard shall be considered a side yard.

J. Article VIII- Multi-Family Dwelling. Article VIII Multi-family dwelling requirements shall not apply to developments within the Beach Commercial District.

K. Residential off-street parking requirements. Two parking spaces shall be required per dwelling unit and provided on site.

L. Residential/Commercial parking development off-street parking requirements.

1. Two parking spaces shall be required per dwelling unit and provided on site.

2. For every (8) eight residential dwelling units, (1) one guest parking space shall be required and provided on site. If less then (8) eight residential dwelling units are proposed, (1) one-guest parking spaces shall be required and provided on-site.

All required residential and guest parking shall be recorded by deed in perpetuity.

M. Mixed-Use development. The following requirements shall apply:

1. Lots having frontage of 100 feet or less shall contain a minimum of 65% gross floor area of business or commercial use (other than parking) on the ground and or the first occupied floor.

2. Lots having frontage of more than 100 feet shall contain a minimum of 55% gross floor area of business or commercial use (other than parking) on the ground and or the first occupied floor.

3. Residential use off-street parking requirement.

i. May have at least one (1) parking space per dwelling unit and provided on-site.

ii. For every (4) four residential dwelling units, (1) one guest parking space shall be required and provided on site.

iii. A recorded deed for the off-site property location shall be acquired by the developer for all off-site parking as defined in section M. 1. iii. a. The recordable deed shall be submitted to the Planning Board; approved and accepted; before approval of the project is granted.

a. A provision, acceptable in form and substance to the Town Attorney, and the Planning Board, in a deed of real property that runs with the land in perpetuity or for the longest period of time allowed by law, so as to be binding on and enforceable against any person claiming an interest in the property. The deed shall limit the redevelopment of the property for any other purpose or use other than the off-site parking requirement for the mixed use development, and shall bind all subsequent purchasers in perpetuity. The deed shall run with the land and the approval of the project in perpetuity. The project approval shall be voided if any matter or form dissolves the deed.

N. Hotel and motel uses. Hotel or motel uses shall provide parking as defined in section N. 1. If said off site parking is greater than 600 feet away, when measured from the nearest lot line of the development, then valet parking shall be provided by the development. A recorded deed for the off site property location shall be acquired by the developer for all off-site

parking as defined in section N. 1. a. The recordable deed shall be submitted to the Planning Board; approved and accepted; before approval of the project is granted.

1. Hotel and motel use shall provide one parking space for the first 330 square feet of sleeping room space. One additional space shall be provided for each sleeping room greater than 330 square feet. One additional parking space shall be provided for each sixteen (16) units as guest parking. Sleeping rooms in rooming houses: One space per sleeping room plus one guest space per sixteen units.
 - a. A provision, acceptable in form and substance to the Town Attorney, and the Planning Board, in a deed of real property that runs with the land in perpetuity or for the longest period of time allowed by law, so as to be binding on and enforceable against any person claiming an interest in the property. The deed shall limit the redevelopment of the property for any other purpose or use other than the off-site parking for the Hotel or Motel use, and shall bind all subsequent purchasers in perpetuity. The deed shall run with the land and the approval of the project in perpetuity. The project approval shall be voided if any matter or form dissolves the deed.
- O. Business/Commercial structures or uses shall not display or advertise goods for sale purposes or display coin-operated vending machines of any type in any location which would infringe upon the required yard areas or public areas specified in this ordinance.
- P. Article V- Signs. The provisions and requirements for the Business Seasonal district under Article V- Signs shall apply to all developments in the Beach Commercial district.
- Q. Lighting standards shall be in accordance with the design details as referenced in the document entitled "Hampton Beach Infrastructure Improvements".
- R. Structures are prohibited from casting shadows on the sand on the easterly side of Ocean Boulevard prior to 6 pm from May 15th through September 15th. Unoccupied architectural appurtenances (i.e. turrets, cupolas, bell towers, etc.) and structural screening (i.e. facades, parapets, low wall extensions and railings used to screen mechanical equipment, roof top units, elevator over rides, exhaust hoods, etc.) shall be included in the calculation, when determining the shadow effect of the structure.

2.6.7 Severability.

In the event that one or more of the provisions of this Ordinance are found or determined to be illegal or unenforceable by the New Hampshire Attorney General, the New Hampshire Appeals Court or the New Hampshire Supreme Judicial Court, then the illegality or unenforceability of any such provision shall not affect the validity of any other provision of this Ordinance which provisions will remain in full force and effect.

ARTICLE 3

Are you in favor of the adoption of Amendment No. 2 as proposed by the Planning Board to amend the Zoning Ordinance in following manner: ARTICLE II DISTRICTS, Section 2.1 Zoning Map change portions of Residence A & Residence B Zoning Districts to into the Professional/Office Residential (POR) District?

Section 2.1 Zoning Map

The Zoning Map was changed by amending the portions of the RA and RB zoning districts to include the following properties in the POR District: Tax Map 162, Lots 42 & 43 (corner of High Street and Mill Road) and Tax Map 161, Lot 51 (east side of Academy Ave).

ARTICLE 4

Are you in favor of the adoption of Amendment No. 3 as proposed by the Planning Board to amend the Zoning Ordinance in following manner: 1) ARTICLE II DISTRICTS, Section 2.7 Professional Office / Residential District, Subsection B., to reword to reference the written description as well 2) ARTICLE II DISTRICTS, Section 2.7 Professional Office / Residential District, Subsection C. Use regulations, to reword portions of the commercial use regulations section so that it is consistent with Article 3.22 of the Zoning Ordinance 3) ARTICLE II DISTRICTS, Section 2.7 Professional Office / Residential District, Subsection D. Height, setback and area regulations, to reword the existing dimensional requirements section to provide more specific requirements for building height, setbacks and minimum lot area per dwelling unit and add further dimensional requirements for lot frontage and width 4) ARTICLE II DISTRICTS, Section 2.7 Professional Office / Residential District, Subsection F. Signs, to include specific requirements for new signs in the POR zoning district?

B. The District Boundaries are as displayed on the Town of Hampton Zoning Map and described in writing in the Notes contained in Article 2.1 of the Zoning Ordinance.

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):~~ Professional uses allowed are the uses currently defined under Article 3.22 of the Zoning Ordinance only. (All uses may require use change and/or site plan review and approval).

~~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 under Article 3.22 in any other category but that are of a compatible nature with surrounding residential uses may be permitted pending Planning Board review and approval.

D. Height, setback and area regulations in the POR District. ~~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~~

(A) Single Family Residential – the height of the buildings or structures, the minimum dimensions of lots, and the minimum lot area per dwelling unit permitted on any lot shall comply with the dimensional requirements of Article IV, under the Residence A (RA) district.

~~(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. (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. conform to the requirements contained in subsection (H) Architectural Standards, and the following dimensional requirements:~~

~~(1) Front setback: 20 feet~~

~~(2) Side setback: 10 feet~~

~~(3) Rear setback: 10 feet~~

~~(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~~

~~(4) Lot area: 10,000 square feet~~

~~(5) Lot frontage: 100 feet~~

~~(6) Lot width: 100 feet~~

F. Signs. Signs within the POR district shall be allowed as permitted by the Town of Hampton zoning ordinance under Article V. All signage location must be approved during the individual site plan review process. Signs must be in character with surrounding uses and the construction materials used 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.

ARTICLE V

TABLE I - Permitted Signs Per Zone

Flag	50	50	50	50	50	50	50	50	<u>50</u>
Freestanding Sign	-	-	-	-	50	50	50	50	<u>32</u>
Incidental Sign	4	4	4	4	4	4	4	4	<u>4</u>
Marquee Sign	-	-	-	-	32	32	32	32	<u>-</u>
Pennant	-	-	-	-	4	4	4	4	<u>-</u>
Political Sign or Poster	6	6	6	6	50	50	50	50	<u>6</u>
Portable Sign	-	-	-	-	-	-	-	-	<u>-</u>
Projecting Sign	-	-	-	-	32	32	32	32	<u>-</u>
Real Estate Sign	6	6	6	6	32	32	32	32	<u>6</u>
Residential Sign	6	6	6	6	-	-	-	-	<u>-</u>
Roof Sign	-	-	-	-	32	32	32	32	<u>-</u>
Roof Sign, Integral	-	-	-	-	64	64	64	64	<u>-</u>
Suspended Sign	-	-	-	-	32	32	32	32	<u>-</u>
Temporary Sign	4	4	4	4	4	4	4	4	<u>4</u>
Wall Sign	-	-	-	-	50	50	50	50	<u>32</u>
Window Sign	%	%	%	%	%	%	%	%	<u>%</u>

% = fifty percent (50%) of the window area

ARTICLE 5

Are you in favor of the adoption of Amendment No. 4 as proposed by the Planning Board amend the Zoning Ordinance in the following manner: ARTICLE XI – CONSTRUCTION PROVISIONS, Section 11.2-b to update the ordinance and building codes to newly updated state building code standards? The purpose of this amendment is to conform to State Law and conform to Senate Bill 81 that went into effect on August 17, 2007.

In compliance with House Bill 285-FN-LOCAL, the Town of Hampton shall adopt the updated New Hampshire State Building Code. Any construction, alteration, repair, renovation or maintenance of a building or structure commencing on or after September 14, 2003 (election date) shall comply with the provisions of Section 11.2-b, as amended.

Section 11.2-b

11.2-b.1 The New Hampshire State Building Code as defined in NH RSA 155-A:1, IV which includes the International Building Code ~~2000~~ 2006, the International Plumbing Code ~~2000~~ 2006, the International Mechanical Code ~~2000~~ 2006, the International Energy Conservation Code (~~2000~~) 2006, as published by the International Code Council; and the National Electric Code ~~1999~~ 2005.

11.2-b.4 The International Residential Building Code, ~~2000~~ 2006 Edition.

11.2-b.5 The National Electric Code, ~~2002~~ 2008 Edition