

ARTICLE # 2
AMENDMENT # 1

Hampton Zoning Ordinance Amendments
Article I - General. Section 1.6 – Definitions
Article III - Use Regulations. Section 3.1
Article III-A - Accessory Dwelling Units to Single-Family Dwellings (NEW ARTICLE)
Article VI – Parking. Section 6.3 – Parking Requirements
Article VII – Exterior Design. Sections 7.1, 7.5, and New Section 7.8

~~Strikethrough~~ = Proposed Deletion
Underline = Proposed Addition

ARTICLE I – GENERAL

Proposed Amendment to Section 1.6 Definitions

Accessory Dwelling Unit: A residential living unit that is within or attached to a single-family dwelling, and that provides independent living facilities for one to four persons, including provisions for sleeping, eating, cooking, and sanitation on the same parcel of land as the principal dwelling unit it accompanies. A residential living unit located within a detached structure that predates the enactment of Article III-A, and that is already detached from the principal dwelling unit shall also be considered an Accessory Dwelling Unit.

ARTICLE III - USE REGULATIONS

Proposed Amendment to Section 3.1

3.1 One single-family dwelling with private garage ~~and~~ having only one accessory building and one accessory dwelling unit. (See Articles III-A, VI, VII, XI, and XII).

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ARTICLE III-A - Accessory Dwelling Units to Single-Family Dwellings

Proposed New Section 3-A.1

3-A.1 Location and Quantity

Accessory dwelling units, as defined in Section 1.6. Definitions, may be located only in those zones where single-family dwellings are permitted as set forth in Section 3.1, and only one accessory dwelling unit shall be permitted to accompany any single-family dwelling. Only lots with single-family dwellings used exclusively for residential purposes shall be permitted to have an accessory dwelling unit.

Proposed New Section 3-A.2

3-A.2 Permits Required

- a) No accessory dwelling unit may be constructed within or added to any single-family dwelling (whether attached or detached) without a Conditional Use Permit having first been applied for and obtained from the Hampton Planning Board pursuant to RSA 674:21 and until a Building Permit therefor has been applied for and obtained under Article XI of

the Hampton Zoning Ordinance and in compliance with the applicable provisions of Article XI of the Hampton Zoning Ordinance.

- b) An applicant proposing an accessory dwelling unit shall submit to the Hampton Planning Board a plan drawn to scale showing the proposed accessory dwelling unit, distances from the property lines, and required parking spaces. The applicant shall also submit exterior elevations and floor plans drawn to scale which show the interior layout of the proposed accessory dwelling unit.

Proposed New Section 3-A.3

3-A.3 Provisions for Living Facilities

An accessory dwelling unit must provide independent living facilities for one to four persons including provisions for sleeping, eating, cooking (stove, refrigerator and sink), and sanitation (shower/tub, toilet and sink) on the same parcel of land as the principal dwelling unit it accompanies. An accessory dwelling unit shall contain no more than two bedrooms, of which no bedroom shall be less than 7 feet x 10 feet in dimension per the State Building Code and in no case shall any such bedroom be more than 200 square feet in size.

Proposed New Section 3-A.4

3-A.4 Occupancy Requirements

- a) Owner occupancy of either the single-family dwelling unit or the accessory dwelling unit shall be required. The owner shall demonstrate, to the satisfaction of the Planning Board, that one of the units is his or her principal place of residence.
- b) No more than two persons may occupy each bedroom in the accessory dwelling unit.

- c) This ordinance is intended to offer additional permanent rental housing opportunities in the Town of Hampton without negatively impacting neighborhoods. In furtherance of these ends, an accessory dwelling unit or principal dwelling unit having an accessory dwelling unit shall not be rented out for less than six (6) months at a time.
- d) A Certificate of Rental Occupancy shall be required and kept current for the rental unit.
- e) Any use of the principal dwelling unit or the accessory dwelling unit for a home occupation or other business purpose is prohibited.

Proposed New Section 3-A.5

3-A.5 Site Location and Size

- a) Accessory dwellings must be attached to or contained within the principal, single dwelling unit (except as provided in Section 3-A.5c) with the attachment between them being an enclosed living space, but there shall be an interior door between the accessory dwelling unit and the principal dwelling unit.
- b) Where a dwelling structure of 3 or more stories in height is proposed to include an accessory dwelling unit above the second story, additional means of egress which do not require access to the primary dwelling unit shall be provided in accordance with the current Building Code. If an exterior staircase is constructed as a means of egress, it shall also meet the required setbacks from property lines for the zoning district in which it is located.
- c) Detached accessory dwelling units may only be permitted under Section 3-A.2 when they are to be located within a structure that predates the enactment of Article III-A and that is already detached from the principal dwelling unit.

- d) For detached accessory dwelling units, the existing foundation shall establish the footprint that meets the criteria outlined in Section 3-A.5c.
- e) Any accessory dwelling unit shall be no more than 800 square feet in size.

Proposed New Section 3-A.6

3-A.6 Provisions for Water Supply and Sewage Disposal

- a) An accessory dwelling unit shall be connected to the Town of Hampton Sewer System or to the private system that the principal dwelling unit utilizes legally. Construction of an accessory dwelling unit or its inclusion within an existing dwelling shall provide the proper design/construction of sewer services that are protected from freezing during the applicable months. All sewer connection and construction shall follow the Town of Hampton Sewer Ordinance. If the accessory dwelling unit is to be connected to a legal private system, it must be demonstrated to the Building Inspector that said private sewer system is rated and permitted with the Town or State of New Hampshire to handle the combined maximum occupancy load that will be generated by the principal dwelling and the accessory dwelling unit. If neither the existing sewer service nor the private sewer system can handle and/or if either is not permitted under the requirements of the Town and the State of New Hampshire to handle, the additional flow, then the sewer service/private system shall first be permitted through the Town or the State of New Hampshire and then be reconstructed or upgraded at the expense of the lot owner to accommodate the sewage that would be generated by the combined maximum occupancy load.
- b) The water source utilized by the principal dwelling unit shall also be utilized by the accessory dwelling unit and if the Aquarion Water Company of New Hampshire, Inc.

(Aquarion) its successors and assigns, is the provider of water for the primary dwelling unit, then Aquarion shall be notified in advance of the addition of the accessory dwelling unit or its inclusion within the principal dwelling unit of the accessory dwelling unit and Aquarion's metering and connection requirements shall govern. Construction of an accessory dwelling unit or its inclusion within an existing dwelling shall provide the proper design/construction of water services that are protected from freezing during the applicable months.

- c) If the principal dwelling unit is served by a private drinking water well, it must be demonstrated to the Building Inspector that said private well is capable of providing sufficient water for the maximum occupancy loads for both the principal dwelling unit and the accessory dwelling unit, or a new well must be installed that will provide such sufficient water before the accessory dwelling unit is allowed to be added or incorporated into the principal dwelling. Construction of an accessory dwelling unit or its inclusion within an existing dwelling shall provide the proper design/construction of water services that are protected from freezing during the applicable months.

Proposed New Section 3-A.7

3-A.7 Dimensional Requirements

The addition of an accessory dwelling unit shall be governed by the Dimensional Requirements set forth in Article IV of the Hampton Zoning Ordinance. For the purposes of the applicability of the footnotes to Article IV, any lot in the RA or RAA zone on which an accessory dwelling unit is proposed to be added shall not be considered a pre-existing lot of record for the purposes of Article III-A if said accessory dwelling unit expands the footprint of the principal dwelling.

Proposed New Section 3-A.8

3-A.8 Sprinkler Systems

Any accessory dwelling unit that is attached to a principal dwelling unit of 3 or more stories in height shall require both units to be furnished with a sprinkler system in accordance with Article XI, Section 11.4.a.

Proposed New Section 3-A.9

3-A.9 Condominium Conversion

By virtue of its being an accessory to the principal dwelling, the accessory dwelling unit and the principal dwelling shall remain under the same ownership as the lot owner and shall not be converted to condominium form of ownership.

Proposed New Section 3-A.10

3-A.10 Impact Fees

Each accessory dwelling unit shall be subject to the payment of an impact fee, which shall be submitted to the Building Department in an amount equal to the current fee per unit for a two-unit structure. Accessory dwelling units shall not be eligible for a full or partial waiver of the required impact fee.

Proposed New Section 3-A.11

3-A.11 Removal of an Accessory Dwelling Unit

- a) Prior to receiving a Building Permit to construct an accessory dwelling unit, a Declaration of Covenants, Conditions and Restrictions shall be recorded at the Rockingham County Registry of Deeds which states that the property must revert to single-family use (with only one dwelling unit) if the current or future owner no longer occupies either the principal dwelling unit or the accessory dwelling unit as his or her principal place of residence.
- b) An accessory dwelling unit legally established under this ordinance may be removed only following approval of a Use Change by the Planning Board and with the required Building Permit issued by the Building Department.

ARTICLE VI – PARKING

Proposed Amendment to Section 6.3.1

6.3.1 Dwelling units (single, double, multi-family): Two spaces per dwelling unit and per each accessory dwelling unit plus one guest space per eight units.*

*Dwelling units with an area of 330 square feet to 400 square feet will require 1 ½ spaces per unit, plus one guest space per eight units. (Amended 1985)

ARTICLE VII - EXTERIOR DESIGN

Proposed Amendments to Sections 7.1 and 7.5, and Proposed New Section 7.8

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.

Section 7.1

The Town of Hampton hereby finds that uniformity in the exterior design appearance of dwellings erected in the same residential neighborhood tend to adversely affect the desirability of the immediate and neighboring areas for residential purposes and impairs existing residential property in such areas; tends to impair the value of both improved and unimproved real property in such areas with attendant deterioration of conditions affecting the health, safety and morals of the inhabitants thereof and the community at large; and tends to deprive the municipality of tax revenue and destroys a proper balance between taxable value of real property in such areas and the cost of municipal services provided therefor.

It is the purpose of this section to prevent these and other harmful effects in the design and appearance of dwellings, either single, double, multi-family, or accessory dwelling units attached to single-family dwellings erected in any housing development in the same residential neighborhood and thus promote and protect the health, safety, morals and general welfare of the community.

Section 7.5

To insure conformity with the provisions of the section, no building permit shall hereafter be issued for more than one dwelling in any housing development, except as provided in subsection 7.6, until an engineer's survey or architect's drawing of the entire tract, or part to be developed, has been submitted to the Building Inspector showing thereon or on a schedule attached thereto, the model number, type and design of each house, with the proper street and lot numbers for each house. The survey or drawing shall show the dimensions of each house, its exact location on the lot with setbacks and width or depth of all yard spaces. In the event of subsequent desired changes in basic design, size or location of a house in such a tract, including the addition of an accessory dwelling unit attached to a single-family dwelling a revised plan and application therefor shall be filed and approved before such work is started.

Section 7.8

The addition of an accessory dwelling unit to a single-family dwelling (or the inclusion of an accessory dwelling within a single-family dwelling) shall be constructed in such a way that the look and feel of a single-family home are retained through the following:

- a. The accessory dwelling unit shall be constructed so the combination of the two units shall retain the same exterior design appearance as before the addition;
- b. The roof line of the principal dwelling unit shall be mirrored by the accessory dwelling unit;
- c. No additional curb cut for a driveway shall be constructed as a result of the addition of an accessory dwelling unit, and the accessory dwelling unit and the principal dwelling unit shall share the same driveway whose size may only be expanded to accommodate parking after first receiving a further driveway permit in accordance with the driveway regulations of the Hampton Planning Board and provided that such expansion does not result in violation of the sealed surface limitations set forth in Article IV.