



TOWN OF STRATHAM

Incorporated 1716

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TO: Planning Board Members
FROM: Vanessa Price, Director of Planning & Building
FOR: December 17, 2025, Public hearing
RE: 2026 Proposed Zoning Amendments – Draft

ARTICLE: Route 33 Legacy Highway Heritage District Requirements

Amend Section III, *Establishment of Districts and Uses*, Substantially amend *Section 3.10 Route 33 Legacy Highway Heritage District*, and update 4.1.5 and 4.2 the *Table of Uses*; and 4.3 *Explanatory Notes*? This amendment would require new subdivisions to adhere to dimensional requirements and limit the number and sizes of new primary dwellings on the site.

This amendment intends to address and clarify the district's purpose and the dimensional requirements of the Route 33 Legacy Highway Heritage District.

3.1 ESTABLISHMENT OF DISTRICTS

For the purpose of this Ordinance, the Town of Stratham is hereby divided into the following districts:

<u>District Name:</u>	<u>Abbreviation</u>
Route 33 Legacy Highway Heritage District (Adopted 3/22)	LHHD

3.4 DISTRICT PURPOSES

The following purposes are hereby established for each of the districts:

3.4.15 Route 33 Legacy Highway Heritage District: The intent of this district is to recognize and preserve the uniquely historic character of the Portsmouth Avenue/Route 33 corridor, and to encourage the adaptive re-use of structures in a manner compatible with that character. The development of this area is subject to both the Planning Board and the Heritage District Advisory Committee.

3.10.6 Site Design Standards:

c. Dimensional Requirements:

i. Refer to Section 4.2 Table of Dimensional Requirements.

~~i. Structures shall be sited such that their front setbacks are generally consistent with structures on abutting properties located on the same side of the road. Therefore, the front setback shall be determined by calculating the existing setbacks of the primary structures of the abutting properties located on the same side of the street. The permitted front setback shall be within 10 feet of the average of the existing setbacks of the~~

~~abutting properties. However, in no case shall the front setback be required to be more than 35 feet.~~

~~ii. Side and rear setbacks shall be a minimum of 20 feet.~~

~~iii. No structure shall exceed a height of 35 feet.~~

~~iv. No structure shall exceed a gross building footprint size of 10,000 square feet.~~

~~v.~~ ii. New structures shall not be sited in front of, or in a manner that distorts the view of historic buildings, as viewed from the public right-of-way.

3.10.9 Land Uses:

- a. Permitted Uses: The Heritage District shall permit residential and agricultural uses and limited commercial uses that do not detract from the residential and rural character of the corridor. Permitted and non-permitted uses, and those permitted only by Conditional Use Permit or Special Exception, are outlined in **Table 3.6 Table of Uses**. Mixed-use properties, particularly those where a business proprietor maintains his/her or their residence on the same property, are permitted and encouraged.

In order to ensure that commercial uses do not detract from the residential and rural character, the following criteria are required for all properties where commercial uses are proposed within the Heritage District:

- i. All commercial uses, except for those explicitly exempt under this section, shall not exceed a gross interior floor area 2,500 square-feet of any **property structure** in the Heritage District, unless the Planning Board determines that such a use is consistent with the residential and rural character of the Heritage District and if either of the following three criteria are met:
 1. If the total square-footage of the **property structure** exceeds 4,200 square-feet, the Planning Board may permit commercial uses on a property to exceed 2,500 square-feet provided the use is part of a mixed-use development and residential or agricultural uses make up at least 40 percent of the total floor area of the **property structure**.
 2. If the commercial use is located primarily within a structure that is at least 50 years old and the Planning Board determines that the application includes a substantial investment to adaptively reuse the structure, the Board may waive this requirement.
 3. The following uses are exempt from this requirement: Bed & Breakfasts, Community Centers, and Performing Arts Venues. Outdoor accessory uses, including outdoor dining, shall not be counted toward the 2,500 square-foot maximum.
 4. **Retail Uses shall be limited to a maximum of 2,000 square feet of interior space.**
- ii. For commercial uses located in the Heritage District, the hours of operation where members of the public are invited to visit the premises shall be limited to no more than 40 hours per week and shall not occur between the hours of 9 pm and 7 am. Bed and Breakfasts shall be exempt from this requirement. The Planning Board shall be empowered to waive this requirement only if the Board determines that the use will not disturb abutting property owners or alter the residential and agricultural character of the corridor.

- b. Multi-Family Housing: Multi-Family and Workforce Housing is permitted in the Heritage District by Conditional Use Permit. Multi-Family and Workforce Housing shall be designed such that these uses, as viewed from the Route 33 right-of-way, are indiscernible from the single-family housing and agricultural uses that characterize the Corridor.
 - i. Multi-family housing development shall not exceed a density of three units per two acres. The density applies only in full two-acre increments; partial acreage shall not count towards the allowance of additional dwelling units, and rounding up is prohibited. In a multi-family development of five or more units, a minimum of 20 percent of the units must be set aside as workforce housing units.

3.10.5 Activities Subject to and Exempt from Review

- viii. The siting of ground-mounted solar energy facilities shall be subject to review and approval unless such facilities meet the criteria outlined below, in which case such facilities shall be exempt from review and approval.
 - 1. Views of the solar facilities must be screened from the public right-of-way.
 - 2. The solar facilities must be a small size array as defined under the Solar Energy Ordinance. Medium- ~~and Large~~-scale arrays shall require review by the Advisory Committee, approval by the Planning Board, and meet all requirements of Solar Energy Ordinance.

3.10.2 Applicability:

- a. This Ordinance shall establish the **Route 33 Legacy Highway Heritage District** (the “Heritage District”). The boundaries of the Heritage District, which includes properties with frontages along the NH Route 33 corridor from the Town Center District to the Greenland town line, are shown on the Official Town Zoning Map (as amended) entitled “Zoning Map, Town of Stratham, NH”, and hereby incorporated as part of this ordinance.
- b. The provisions of the Heritage District shall be mandatory for development projects within the Heritage District as stipulated under Section 3.10.5 Activities Subject to Review. Development projects submitted for approval under this zoning district shall be subject to applicable requirements of the Subdivision and Site Plan Review Regulations of Stratham.
- c. When in conflict, the provisions of the Heritage District shall take precedence over those of other ordinances, regulations, and standards except the Local Health and Safety Ordinances and Building Codes.
- ~~d. Section 3.8.10 Definitions of Terms contains regulatory language that is integral to the Heritage District. Those terms not defined in Section 3.8.10 or in Section II of the Zoning Ordinance shall be accorded their commonly accepted meanings. In the event of conflicts between definitions in the Zoning Ordinance and the Heritage District, those of the Heritage District shall take precedence.~~
- e. The requirements of Section ~~3.10.8 Development Standards and Tables 3.10.6 Site Design Standards and 3.10.7 Standards for signage~~ are an integral part of the Heritage District and are legally binding. Unless otherwise noted, other diagrams and illustrations that accompany this ordinance are provided for guidance purposes and as recommended examples.

4.1.5 Primary dwellings in residential districts

~~Unless permitted as part of a condominium or mobile home park form of development, only one~~ Only one primary dwelling or duplex shall be permitted on individual parcels within the Residential/Agricultural, ~~Manufactured Housing~~, and Route 33 Legacy Highway Heritage Districts. Parcels where agriculture is the primary use shall be exempt from this requirement. (Rev. 3/25)

4.2 Table of Dimensional Requirements

The Table of Dimensional Requirements [on the ensuing page] shall apply for all lots, uses of land, and developments within the various districts, unless modified by other sections of this ordinance. This section shall not regulate any Gateway (Central or Outer) or Town Center Zoning which are regulated under Section 3.8 and Section 3.9 respectively of this Ordinance (Rev. 3/18). Dimensional Requirements for the Flexible Mixed-Use District ~~and Route 33 Heritage District~~ can be found in Sections 3.7.10 ~~and 3.10.6.e~~ of the Ordinance, respectively. (Added 3/25)

DIMENSIONAL REQUIREMENT:	Route 33 Legacy Highway Heritage District (LHHD)
AREA:	2 acres (c)
CONTINUOUS FRONTAGE:	150' (c)
DEPTH:	150'
FRONT:	(j)
SIDE:	20'
REAR:	20'
MAXIMUM HEIGHT OF STRUCTURE:	35'
MAXIMUM % BUILDING COVER/LOT:	10%
MAXIMUM BUILDING FOOTPRINT: (Adopted 3/00)	See: 4.3(k) explanatory notes
MINIMUM % OPEN SPACE/LOT:	N/A
FRONT OPEN SPACE SETBACK:	N/A
SIDE/REAR OPEN SPACE SETBACK:	N/A

4.3 EXPLANATORY NOTES

(j) Structures shall be sited such that their front setbacks are generally consistent with structures on abutting properties located on the same side of the road. Therefore, the front setback shall be determined by calculating the existing setbacks of the primary structures of the abutting properties located on the same side of the street. The permitted front setback shall be within 10 feet of the average of the existing setbacks of the abutting properties. However, in no case shall the front setback be required to be more than 35 feet.

(k) The footprint of a single-family residential building must not exceed 3,000 square feet,

while the footprint of a duplex and multi-family residential building must not exceed 5,000 square feet. For non-residential building footprint sizes, refer to section 3.10.9.a.

ARTICLE X. RESIDENTIAL OPEN SPACE CLUSTER DEVELOPMENT

Substantially amend Article VII, Residential Open Space Cluster Development to strengthen the application process, design criteria and yield plans for Residential Open Space Cluster Development; limit to four units per cottage home; to amend lot sizes and setbacks; and to limit density.

8.7 APPLICATION AND REVIEW PROCEDURE

- a. A Residential Open Space Cluster Development shall be initiated by filing with the Planning Board for an application for a Conditional Use Permit.
- b. The completed application and fee as set by the Planning Board of Selectmen shall be submitted to the Planning Department. Said fee is nonrefundable.
- c. The Planning Board shall consider the application at its next regular meeting following the public notice process.
- d. Where development approval for the Conditional Use Permit includes subdivision or site plan approval by the Planning Board, the application and review procedure for the Conditional Use Permit shall be made concurrently and in accordance with the procedures specified in the Subdivision Regulations or Site Plan Regulations as applicable to the particular development.