



## STATE OF NEW HAMPSHIRE

THE POLLS WILL BE OPEN FROM 7 AM TO 7 PM

To the inhabitants of the Town of Stratham in the County of Rockingham, in said State, qualified to vote in Town Affairs.

You are hereby notified and warned to meet at the Stratham Memorial School on Tuesday, on the eighth day of March, 2022, next at seven o'clock in the forenoon, to act upon the following subjects:

**Article 1:** To choose all necessary Town Officers for the year ensuing.

**Article 2:** Are you in favor of the following amendment to the Town of Stratham Zoning Ordinance as proposed by the Planning Board?

To amend the Zoning Ordinance, by deleting Section XV *Growth Management & Innovative Land Control* and renumbering subsequent sections of the Ordinance. This is a housekeeping amendment as Section XV of the Ordinance includes a sunset provision to expire in March 2014 and is therefore no longer enforceable.

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| <p><b><u>SECTION XV: GROWTH MANAGEMENT &amp; INNOVATIVE LAND USE CONTROL</u></b><br/><b><u>(Rev 3/03, 3/11)</u></b></p> |
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### **15.1 AUTHORITY**

~~The Section is enacted in accordance with both RSA 674:21 and 674:22.~~

### **15.2 PURPOSES**

~~The purposes of this section of the Zoning Ordinance are as follows:~~

- ~~a. Establish a long range growth management process to access and balance community development needs and consider regional development needs.~~
- ~~b. Determine, monitor, evaluate, and establish a rate of residential growth in the Town that does not unreasonably interfere with the Town's capacity for planned, orderly, and reasonable expansion of its services to accommodate such growth.~~
- ~~c. Provide a mechanism to allow for phased development of residential projects to manage the impact on municipal services.~~
- ~~d. Provide a mechanism when municipal services are strained or overloaded to reduce the rate of residential growth to allow the Town time to correct any deficiencies that have developed.~~

~~15.3—Protect the health, safety, convenience, and general welfare of the Town's residents.~~

#### ~~15.4—FINDINGS~~

~~The Town hereby finds that:~~

- ~~a. The rate of population growth in the Town of Stratham has been among the fastest of any town in the immediate area, in Rockingham County, and in the State of New Hampshire.~~
- ~~b. The Planning Board has prepared and adopted a Master Plan in accordance with NH RSA 674:3, 674:4 & 675:6~~
- ~~c. The Planning Board has prepared and adopted a Capital Improvements Program (CIP) in accordance with NH RSA 674:5—674:8 & 675:6. This CIP is updated and amended annually by the Planning Board.~~
- ~~d. The Planning Board implemented a plan for the periodic reporting of the increase in dwelling units, the issuance of building permits for new construction, the increase in school population, the capacity of municipal services, and other indicators of increase growth.~~

#### ~~15.5—INDICATORS OF GROWTH IMPACT~~

~~The Town hereby determines that the presence of the following conditions will constitute an indicator of growth impact. An indicator of growth impact occurs when:~~

- ~~a. The average annual percent increase in building permits for dwelling units in Stratham for the past five years exceeds the same average of the combined six abutting communities.~~
- ~~b. The average annual percent population growth in the Town of Stratham as reported by the Office of State Planning exceeds the same average of the combined six abutting communities.~~
- ~~c. The number of students enrolled or projected for the coming year for any public school in the Stratham School System exceeds 85 percent of its stated capacity.~~
- ~~d. The annual full value tax rate of Stratham as reported by the New Hampshire Department of Revenue Administration exceeds the average rate of the combined six abutting communities or Rockingham County for the reporting year.~~
- ~~e. The number of dwelling units of all projects combined, for which approval is being sought from the Board, at any time of reporting, if approved could result in the conditions defined by a., b., c., or d. above.~~
- ~~f. The number of public students enrolled or projected for the coming year for each school in the Stratham School System exceeds 100 percent of its stated capacity.~~
- ~~g. The annual capital expenditures including debt service and capital outlay for combined municipal and school department expenditures exceed 20 percent of the total municipal and school department expenditures combined.~~

#### ~~15.6—PLANNING BOARD MONITORING~~

~~It is the responsibility of the Planning Board to monitor growth in the Town and to report on the following:~~

##### ~~15.5.1 Annual Reporting:~~

- ~~a. The Planning Board will by January 31<sup>st</sup> of each year report on the total number of dwelling units existing at the end of its previous calendar year. Existing units means all those units previously constructed and occupied plus those units constructed and from which Certificates of Occupancy were issued in the reporting year. In the same report, the Planning Board shall report on the status, as appropriate, of any phasing requirements or permit limitations in force in the reporting period.~~
- ~~b. The Planning Board will by January 31<sup>st</sup> of each year report also report on the "indicators of growth impact" as determined in 15.4. This report shall indicate which growth indicators have been triggered.~~

~~15.5.2 Periodic Reporting: The Planning Board may at any time it determines it appropriate or necessary, issue written reports on the status of growth activity in the Town covering such topics as the number of dwelling units or lots being proposed for approval, or for which building permits are being sought, the condition and capacity of any municipal or school facility, the tax burden existing or anticipated on the Town's residents and/or any other topic affecting or related to the growth or finances of the Town.~~

~~15.5.3 Notice of Growth Impact: The Planning Board may at any time issue a Notice of Growth Impact, if it has determined, through 15.5.1 or 15.5.2 that any of the conditions in 15.4 exist. Said Notice would include a statement of whether those conditions could result in either 15.6 Phasing or 15.7 Permit Limitations.~~

~~Pursuant to the monitoring in 15.5.1, 15.5.2, or 15.5.3, the Planning Board shall make appropriate findings of fact, make recommendations for action, or take actions provided for in Section XV of the Zoning Ordinance as a result of its monitoring and reporting responsibilities.~~

## **15.7 PHASING OF DEVELOPMENTS**

~~If the Planning Board, through its monitoring, finds that indicator 15.4 a., b., c., d., or e. has occurred, then the Planning Board may at its discretion issue a Notice of Growth Impact in conformance with 15.5.3 to the Board of Selectmen, the Building Inspector, and the general public by posting a notice in the Town Hall. The phasing of future residential developments, as provided in RSA 674:21, is to prevent a strain on municipal services and therefore, to provide for orderly growth in Town. Phasing may be implemented as provided below:~~

~~15.6.1 Phasing Required: The Planning Board may require the phasing of a development for a period up to or less than five years for a project which is proposed to have 50 dwelling units (lots) or less. For a project larger than 50 units or lots, the Planning Board may require a longer or shorter period of phasing based on the size of the project and the potential impact of the number or type of units on the municipal services of the Town. The Planning Board shall make appropriate findings of fact to substantiate the need, time, and limit for required phasing based on the size of the project and the potential impact from the number or type of units on municipal services.~~

~~15.6.2 Effect of Phasing: Once a phasing plan has been approved by the Planning Board, the project shall not be affected by any permit limitations subsequently enacted under the provisions of Section 15.8.4 of this Ordinance, provided that the developer secures permits for and begins substantial construction on the project on the units in each yearly phase. In the event that substantial construction is not undertaken in any yearly phase, then the vesting of that phase shall be forfeited and the developer shall be subject to any limitations imposed by 15.8.4. For the purpose of this Section, substantial construction shall mean either (a) all dwelling units in that phase are constructed to a weather tight condition or (b) 50 percent of all dwelling units in that phase are completed and a Certificate of~~

~~Occupancy has been given.~~

- ~~15.6.3 Termination of Phasing:~~ The above constraints shall be removed when the Planning Board determines in its 15.5 monitoring procedures that phasing is no longer necessary.

## **15.8 LIMITING THE ISSUANCE OF PERMITS**

~~If the Planning Board finds through its monitoring that indicator 15.4 either a., b., c., d., or e., plus one or more of indicators f. or g. has occurred, then the Planning Board may at its discretion issue a Notice of Growth Impact in conformance with 15.5.3 to the Board of Selectmen, the Building Inspector, and the general public by posting a notice in the Town Hall. The annual permit limitation of residential developments, as provided in RSA 674:21, is to prevent a strain on municipal services and therefore, to provide for orderly growth in Town. Permit limitations may be implemented as provided below:~~

- ~~15.7.1 Interim Permit Limitations:~~ Once a Notice of Growth Impact is issued, then no residential building permits shall be approved by the Building Inspector until after the hearing in Section 15.8 is held and until after the Planning Board has set the number of permits delineated in 15.8. The Planning Board has set the number of permits within 45 days of the Notice of Growth Impact being issued.

## **15.9 PROCEDURES FOR PHASING AND PERMIT LIMITATIONS**

~~Once a Notice of Growth Impact pursuant to 15.5.3 has been issued, then the following procedures will be observed:~~

- ~~15.8.1 Planning Board Findings:~~ The Planning Board will issue appropriate findings of fact to accompany any Notice of Growth Impact issued pursuant to 15.5.3.
- ~~15.8.2 Public Hearing:~~ Prior to invoking 15.6 Phasing or 15.7 Permit Limitations, the Planning Board shall hold a public hearing with ten days' notice to seek input from the general public.
- ~~15.8.3 Determination of Action:~~ After a public hearing in Section 15.8.2, the Planning Board shall deliberate and decide whether (a) phasing should be invoked (b) permit limitations should be imposed or (c) other appropriate action, and issue its decisions. Any decision will be issued within 45 of the Notice of Growth Impact.
- ~~15.8.4 Permit Limitations:~~ The following provisions shall apply:
- ~~a. The Planning Board as part of its decisions may specify what limitations are necessary in the issuance of permits for residential units up until and during any corrective action is taken by the Town and/or School District. In determining the number of permits to be issued, the Planning Board shall consider the severity of the municipal service burden, the amount of capacity remaining in the service, and the amount of time needed to correct the service problem. After determining those facts, the Planning Board shall set the number of dwelling unit permits that can reasonably be issued on an annual basis.~~
  - ~~b. After the public hearing, the Planning Board shall set the number of permits to be issued for the one year period following enactment of the limit or such other shorter period as may be desirable. At the end of the year or such other shorter period, the Planning Board shall hold a hearing to determine if the permit limitation should be removed or altered. After making findings of fact, the Planning Board may (a) extend the permit limitation, (b) alter the permit limitation, or (c) remove the permit limitation.~~

- ~~15.8.5 Phasing: The Planning Board as part of its decision may require phasing in accordance with the provisions of Phasing 15.6.~~
- ~~15.8.6 Equitable Distribution: In order to insure equitable distribution of available permits, no individual, partnership, corporation, or other entity or its related or affiliated entities or in the case of individuals their relatives or persons associated in business may receive more than 10 percent of the permits or permits for eight units, whichever is less, available during the limitation period.~~
- ~~a. The Building Inspector shall consult with the Planning Board, and the Planning Board shall devise an administrative procedure necessary to insure equitable distribution of available dwelling unit permits under guidelines expressed above.~~
- ~~b. No application for a building permit will be accepted from any person who, in an attempt to avoid the building permit limitations of this Ordinance, has failed to pay fair consideration as defined by RSA 545:3 or any other person or entity who has the purpose of evasion of the limitations of Section 15 of this Ordinance.~~

**15.10 SEVERABILITY (Added 3/11)**

~~Should any part of this ordinance be held invalid or unconstitutional by a court, such holding shall not affect, impair or invalidate any other part of this ordinance, and, to such end. All articles, sections and provisions of this ordinance are declared to be severable.~~

**15.11 EFFECTIVE DATE (Added 3/11)**

~~Adoption of this ordinance includes the repeal of all prior growth management ordinances currently in effect. This ordinance becomes effective upon adoption and shall be reviewed by the Planning Board annually, to determine if the ordinance shall be relaxed or ended.~~

**15.12 SUNSET (Added 3/11)**

~~This ordinance shall expire on March 31, 2014 unless amended to remain in effect beyond that date.~~

*The Planning Board recommends this article by unanimous vote.*

**Article 3:** Are you in favor of the following amendment to the Town of Stratham Zoning Ordinance as proposed by the Planning Board?

To amend the Zoning Ordinance, Section III, by deleting Sub-Section 3.7 *Flexible/Mixed Use Development District* in its entirety and to replace it with a revised Sub-Section 3.7 *Flexible /Mixed Use Development District*. The purpose of this amendment is to better clarify permitted and prohibited land uses and other land use requirements in the district, which is limited to the parcel housing the former New Hampshire Technical College.

**3.7 FLEXIBLE/MIXED USE DEVELOPMENT DISTRICT** (03/07, Rev. 3/21)

**3.7.1 Authority:**

- a. *The action of the Town of Stratham, New Hampshire in the adoption of this Ordinance is authorized under RSA 674:21.II Innovative Land Use Controls and RSA 674:16 Grant of Power. This Innovative Land Use Control Ordinance shall consolidate most land use application reviews and decisions under the Planning Board's authority, as further stipulated by Section 3.7.4.*
- b. *This Ordinance was adopted to promote the health, safety, and general welfare of the Town of Stratham and its citizens, including to encourage land conservation and promote redevelopment of a previously developed parcel of land, conservation of land, energy and natural resources, reduction in vehicular traffic congestion, more efficient use of public funds, health benefits of a pedestrian environment, preservation of community character, education and recreation, reduction in sprawl development, and improvement of the built environment.*
- c. *This Section was adopted as one of the instruments of implementation of the public purposes and objectives of the Town's Master Plan. This Ordinance is declared to be in accord with the Master Plan, as required by RSA 674:2.*

3.7.2 Purpose and Intent.

This section provides for the redevelopment of the *former* NH Community Technical College site, which is a very unique property in Stratham. *This site has remained largely vacant and underutilized for many years, and the Town of Stratham recognizes that additional flexibility and creativity is necessary to help facilitate redevelopment of the property to its highest and best uses. Accordingly, this Ordinance allows for deviations of the Zoning Ordinance to be permitted by the Planning Board as part of a Conditional Use Permit review process, as stipulated under Section 3.7.4.* ~~If no opportunity for change were provided for within this ordinance, proposed reuses could be limited to state, federal or other governmental institutional uses.~~

The purpose and ~~goals~~ *intent* of this section is to provide for the possible redevelopment of the site within the following guidelines:

- a. To encourage a mixed-use environment, which would allow opportunities to develop or provide for the adaptive reuse of existing structures where flexible performance standards would provide for the protection of abutting neighborhoods, surrounding properties and uses.
- b. To provide for ~~limited~~ *appropriate* commercial, office, and light *manufacturing and* industrial uses ~~which are similar in nature, and~~ which provide employment opportunities and strengthen the economic base of the town. Such activities should be sensitive to the natural environment, "Dark Sky" lighting standards, adjacent residential areas and other community facilities.
- c. To utilize compact village development guidelines, which would encourage the creation of human-scale development with "Town Center" pedestrian friendly spaces, centralized park areas and recreational opportunities.
- d. To encourage any new development to meet energy efficiency standards and sustainability practices.

- e. To encourage more diverse housing options in the community as part of mixed use developments.*

In order to maintain protections for surrounding **residential** properties, development under this ordinance may require more stringent buffer requirements for neighboring residential zones and uses. Due to the sensitivity of the environment and potential proximity to residential areas only specific alternative uses will be permitted.

3.7.3 Zone Defined.

The Flex/Mixed Use Development Zone District shall include: Map 22, Lot 16.

3.7.4 Review Process.

1. *The Planning Board shall have the authority to grant or deny a request for a Conditional Use Permit, pursuant to the provisions of RSA 674:16 and RSA 674:21. A Conditional Use Permit, for relief from any requirements of the Zoning Ordinance except from Section 3.7.7 Prohibited Uses, in which deviations shall require a variance from the Zoning Board of Adjustment. No Conditional Use Permit shall be granted until after proper public notice and a public hearing where the Planning Board determines that an application complies with Section 3.7.2 the Purpose and Intent of this Ordinance and the following criteria:*

- a) *The application is consistent with the spirit of the Ordinance and the goals and vision articulated in the most recent Stratham Master Plan.*
- b) *The application contributes positively to the community tax base and does not adversely affect the provision of public services and infrastructure.*
- c) *The application does not adversely impact abutting property owners, including impacts related to noise, odors, and/or aesthetics.*
- d) *The applications minimizes impacts on the natural environment and incorporates to the highest extent practicable.*
- e) *The application provides publicly accessible spaces for the community at large and supports a pedestrian-oriented environment.*

2. *Any deviation from Section XI, the Wetlands Conservation District, Section XII, the Shoreland Protection District, or Section XIII, the Aquifer Protection District shall first require review and comment by the Stratham Conservation Commission.*

3.7.5 ~~Allowed~~ Land Uses.

The following outlines land uses that are permitted, permitted by Conditional Use Permit only, and prohibited in the FMUD District. Land use definitions shall be consistent with those defined under Section II of the Zoning Ordinance and shall be subject to any



applicable limitations or prohibitions as enumerated in Table 3.6 *Table of Uses* and the *Footnotes to Table 3.6*.

- a. The following uses are permitted primary uses within the FMUD District:
  - a. ~~Senior multi-family housing, congregate care facilities, retirement home or other supported or independent living arrangement for active adults.~~
  - b. Professional Offices and Commercial and Personal Services ~~Medical offices, laboratory, clinic, medical support service, or short and long term care facilities.~~
  - c. Research and Development, Corporate and Business Offices.
  - d. Hotels, ***Bed and Breakfast Inns***, Conference Centers and related facilities.
  - e. ***Small and Large Restaurants.***
  - f. ***Brew Pubs***
  - g. ***Nano Breweries (as defined under NH RSA 178:12-a)***
  - h. ***Banks and Lending Institutions.***
  - i. Retail Sales.
  - j. ***Multi-Family Housing and Workforce Housing.***
  - k. ***Agricultural Uses as an accessory use.***
  - l. ***Day-Care Facilities*** ~~Adult, family, or child care facilities~~
  - m. Educational facilities.
  - n. Fitness and Health Centers.
  - o. Places of Worship.
  - p. Maker Spaces.
  - q. ~~Indoor recreation/entertainment center/health club.~~
  - r. ~~Those uses currently allowed within the RA and PRE zones unless otherwise prohibited or limited within this section.~~

### 3.7.6 Uses permitted by Conditional Use Permit Only.

The following uses are permitted only via the approval of a Conditional Use Permit by the Planning Board ~~and shall only be allowed as subordinate or complimentary use to any of the above primary uses:~~

- a. ~~Multi-family housing, limited to 2 bed room units.~~
- b. ~~General commercial and/or retail, limited to a maximum of 20,000 S.F. per unit.~~
- c. Outdoor/Recreational Uses as outlined in Section V of the Table of Uses
- d. ~~Food service or full service restaurant, limited to a maximum of 10,000 S.F. per unit.~~
- e. ~~Banks and Lending Institutions. (drive up and/or office) or financial service.~~
- f. Light Industrial ~~Industry.~~

- g. Hospitals or Clinics.*
- h. Movie theaters, Indoor Entertainment Complexes.*
- i. Public Utilities.*
- j. Nursing Homes, Assisted Living Facilities, or Congregate Care Facilities*
- k. Agricultural Uses.*
- l. Social service or church/religious use.
- m. Veterinary Hospitals.
- n. Drive-through services.
- ~~o. Any other use, which may be determined by the Planning Board to be subordinate and/or accessory to a primary allowed use.~~

#### 3.7.7 Prohibited Uses.

The following uses are not permitted within the Flexible/Mixed Use Development District ***and require the approval of a variance by the Zoning Board of Adjustment:***

- a. Adult Oriented Uses.
- b. Recycling Facilities.
- c. ***Motor Vehicle Dealerships, Repair Garages, Body Shops, Paint Shops.*** ~~Automotive Sales.~~
- d. ***Filling Stations,*** Service Stations.
- e. Junk Yards, Recycling Centers.
- f. Hazardous Waste Storage.
- g. Freight and Trucking Terminals.***
- h. Bulk Storage and Distribution of Goods and Fossil Fuels.***
- i. Commercial Sawmills.***
- j. Kennels.***
- k. Parking lots or parking garages as a primary use.***
- l. Airports, Runways, Control Towers, Administration Buildings, Hangars.***
- m. Funeral Homes or Parlors.***
- n. Self Storage & Warehousing***
- o. Drug or Substance Abuse Clinics or Rehabilitation Centers***
- p. Warehousing & Wholesaling Operations***
- q. Affordable elderly housing***
- r. Planned Retirement Communities***

#### 3.7.8 Multi-Family and Workforce Housing.

***Multi-Family and Workforce Housing Developments in the FMUD District shall be subject to the requirements of Section 5.8 of the Zoning Ordinance except for the following allowances or requirements stipulated below. Housing development that is age-restricted in nature, including planned retirement communities and elderly affordable housing shall be prohibited in the FMUD District.***

***a. Mixed-Use Development. Although multi-family and workforce housing shall be permitted as primary uses in the district, such uses are only permitted as part of a mixed-use development. A minimum of 15 percent of the gross square-footage of the development must be reserved for commercial, industrial, or institutional uses that are permitted in this district or permitted by Conditional Use Permit only.***

***b. Design and Density. Multi-family and workforce housing developments may take a variety of forms, including townhouse or garden-style developments. Single-occupancy units or duplexes are permitted only if they make up no more than 25 percent of the total number of housing units proposed within the development. Multi-family and workforce housing development shall be restricted to no more than 12 units per structure.***

***c. Well and Septic Facilities. Multi-family and workforce housing developments shall utilize community well and septic facilities. The Planning Board may require hydrology tests or other third party reviews, conducted at the applicants' expense, to ensure that well and septic facilities will not adversely affect abutting property owners or reduce access to water supplies.***

#### 3.7.9 Development Standards.

Any re-use of existing structures where no major external changes are made, parking requirements do not exceed current available spaces, no increase in current septic discharge occurs and traffic impacts are not increased from previous community college use shall be treated as a minor site review by the Planning Board with expedited review and approval.

Any proposed new development shall require full site plan review by the Planning Board and comply with the following standards:

- a. All drainage shall be entirely controlled and reintegrated on-site.
- b. ***To the highest extent practicable***, site layout should ~~attempt to~~ reflect a compact village style.
- c. All new construction shall follow environmentally sustainable practices and best management practices (BMPs), which would qualify for Leadership in Energy and Environmental Design (LEED) credits.
- d. All new site work shall implement Low Impact Development (LID) BMP's.
- e. All signage shall follow the standards within section 7.3 of these ordinances as allowed within the Town Center zone except for setbacks, which shall only apply to external lot lines. The Planning Board through the Site Plan Review process shall approve all internal lot line setbacks for signage.
- f. Any new development shall meet ***all applicable Zoning and Site Plan Regulations.*** ~~the requirements of Sections 5.2 Landscape Design Standards and Section 5.15 Architectural Plans of the Stratham Site Plan Review Regulations.~~

- g. *To the highest extent practicable, publicly accessible parks, green spaces, or recreation and outdoor sitting areas shall be incorporated into the development to provide opportunities to congregate or recreate. The Planning Board may also require that bicycle parking or electric vehicle charging stations be incorporated into the development. Additionally, for commercial or mixed-use developments exceeding 50,000 gross square-feet, or any development with 25 or more residential units, the following shall be required:*
- i. *Secure and sheltered or indoor bicycle storage areas shall be provided to adequately meet the needs of employees or residents.*
  - ii. *The applicant shall work with the Town and the NH Department of Transportation to provide a pedestrian path and safe crossing across Portsmouth Avenue to provide pedestrian access from the development to Stratham Hill Park.*
  - iii. *A minimum of 5 (five) percent of the total number of parking spaces shall include access to electric vehicle charging facilities.*

In addition the Planning Board through its Site Plan Review and Subdivision application process, may require any additional standards, which shall mitigate adverse impacts from any proposed uses. The Board may require additional buffers or performance standards, which will reduce or eliminate any objectionable activities or impacts.

3.7.10 Setbacks, *Dimensional Requirements*, and Streetscape:

- a. Setbacks to any existing exterior lot line shall be a minimum of 100 feet.
- b. *A minimum 50-foot vegetated buffer shall be provided from all exterior lot lines, except for along or within 500-feet of the Portsmouth Avenue frontage, where no vegetated buffer shall be required. The Planning Board may require a larger vegetated buffer area if it determines one is necessary to shield abutting property owners from the impacts of any new development.*
- c. Setbacks for any new construction on any new interior street shall be measured as a build-to line of no less than 20'.
- d. *The height of any new structures shall not exceed 35-feet.*
- e. All new street construction shall provide for a sidewalk with curbing where appropriate and also where appropriate a 4' green buffer strip between the paved portion of the street and the sidewalk. *To the highest extent practicable, any new development within this district shall be pedestrian-oriented in nature with structures and publicly accessible areas linked by a network of sidewalks or pedestrian paths.*
- f. Any new lots within the parcel shall require no more than 50' of frontage and shall allow for zero lot-line setbacks to allow attached structures or for a 10' minimum separation between structures.

*The Planning Board recommends this article by unanimous vote.*

**Article 4:** Are you in favor of the following amendment to the Town of Stratham Zoning

Ordinance as proposed by the Planning Board?

To amend the Zoning Ordinance, Section V, Sub-Section 5.4 *Accessory Dwelling Units* in its entirety and to replace with a revised Sub-Section 5.4 *Accessory Dwelling Units* to clarify the requirements associated with accessory dwelling units and to enact additional requirements for detached accessory dwelling units to ensure that such uses do not create the appearance of two primary residences on a single lot.

#### **5.4 ACCESSORY DWELLING UNITS (REV. 3/90, 3/05, 3/09, 3/17, 3/18, 3/20, 3/22)**

5.4.1 Purpose: The purpose of the accessory dwelling unit provision is to provide an accessory housing alternative, while maintaining neighborhood aesthetics and quality.

5.4.2 Objectives: The objectives of this Section are to:

- a. Provide a housing unit in a single-family neighborhood for individuals seeking affordable housing alternatives;
- b. Protect the single-family residential character of a neighborhood by ensuring that the accessory dwelling unit is permitted only on an owner-occupied property and under such conditions as to protect the health, property values, safety, and welfare of the public. (Rev. 3/20)

5.4.3 Regulations: (Rev. 3/20)

No more than one (1) accessory dwelling unit (ADU) will be permitted on a legal lot or property which is already approved for or developed with a detached single-family dwelling. Further, an ADU may be created within a single-family dwelling, or within an accessory structure, in accordance with these regulations. All ADU development shall insure: ***In cases where there is uncertainty that a proposed ADU will meet the zoning regulations, the Code Enforcement Officer shall be authorized to seek a determination from the Planning Board which will decide the matter as part of a public hearing.***

***All ADUs must meet the following requirements:***

- a. The property to which an accessory dwelling unit is to be added must be owner-occupied where the owner must reside in either unit following completion of the ADU;
- b. ADUs shall only be permitted on legally established parcels;
- c. The accessory dwelling unit shall be designed so that the exterior appearance of the building(s) and property remains that of a one family dwelling. Any new entrance that may be required shall be located on the side or in the rear of the building;
- d. The size of the accessory dwelling unit shall be between 400 square feet and 1000 square feet;
- e. In no case shall there be more than one (1) family having a maximum occupancy as dictated by the Town of Stratham Building Ordinance, residing within an ADU;
- f. A minimum of two (2) off-street paved or gravel parking spaces per unit (single – family and ADU), shall be provided and shown on the sketch plan. The appearance of the parking design shall be that of a single-family dwelling;
- g. The structure and lot shall not be converted to a condominium or any other form

of legal ownership distinct from the ownership of the existing single-family dwelling;

- h. ***No new curb cut shall be constructed to serve an ADU.***
- i. Prior to issuance of a Certificate of Occupancy, by the Code Enforcement Officer, the owner shall provide, the following:
- j. The primary single-family dwelling shall not be a mobile home or condominium. ~~or located within a cluster development~~ (Rev. 3/18).
- k. Evidence to the Building Inspector or their agent that septic facilities are adequate for both units according to the standards of Stratham and the N.H. Water Supply and Pollution Control Division. If deemed necessary by said Inspector, such evidence shall be in the form of certification by a State of NH licensed septic system designer. Also the owner shall provide evidence that there is adequate potable water according to the standards of the State of New Hampshire.
  - ii. A floor plan of one quarter inch (1/4") to the foot scale showing the proposed changes to the building, if applicable.
  - iii. A sketch plan (drawn to scale) of the lot, with existing and proposed structures and parking, if applicable. ***If there are any wetlands on the property and an expansion of the building footprint is proposed, the owner shall provide a certified plot plan, stamped by a licensed wetland scientist, demonstrating that the ADU will meet all wetland setback and buffer requirements.***

5.4.4 ***Detached ADUs may be constructed in an accessory structure, only if they meet all of the requirements of Section 5.4.3 and the following additional requirements:***

- a. ***The detached ADU shall not exceed 50 percent of the gross interior square footage of the primary residence, but in no case shall exceed 1,000 square-feet. The gross size of the building footprint housing a detached ADU, including appurtenant uses, shall not exceed 1,000 square-feet. Appurtenant uses include attached garages, porches, decks, storage areas, or any other attached or interior areas accessory to the ADU.***
- b. ***No garage or pool shall be constructed attached, or adjacent to, the accessory dwelling unit if a garage or pool already exist on the parcel.***
- c. ***For new accessory structures that include an accessory dwelling unit built after March 8, 2022, the structure must be set back a minimum of fifty (50) feet from the front property boundary. Accessory structures existing before March 8, 2022 may be repurposed to include a detached accessory dwelling unit and shall be exempt from this requirement if the height of the accessory structure is not increased and the gross size of the building footprint is not expanded by more than fifteen (15) percent.***
- d. ***Detached ADUs shall be prohibited within Residential Open Space Cluster Developments.***

5.4.5 **Additional Regulations:**

- a. The Building Inspector may require construction plans of any improvements and foundations to determine safety of any structure to be used as an accessory dwelling unit. Safety may be determined by review and inspection of the structure

to be used.

***The Planning Board recommends this article by unanimous vote.***

**Article 5:** Are you in favor of the following amendment to the Town of Stratham Zoning Ordinance as proposed by the Planning Board?

To amend the Zoning Ordinance, Section V, Sub-Section 5.14.4.2 *Setbacks for Solar Energy Systems* in its entirety and replace with a revised Sub-Section 5.14.4.2 in order to require all ground-mounted solar energy systems meet the minimum property setbacks of the applicable zoning district and to require medium- and large-scale systems be set back a minimum of 60 (sixty) feet from the front property boundary.

5.14.4.2 Setbacks:

- a. Small-scale ground-mounted solar energy systems ***must adhere to all of the setback requirements of the applicable zoning district.*** ~~accessory to principal use may be located no closer than [1/2 of the setback that would otherwise apply] from the side or rear lot line.~~ All ground-mounted solar energy systems in residential districts shall be installed either in the side yard or rear yard to the ***greatest*** extent practicable.
- b. ~~Small and medium scale ground-mounted solar energy systems accessory to a principal use may be located no closer than twenty (20) feet from the front, side or rear lot line. All ground-mounted solar energy systems in residential districts shall be installed either in the side yard or rear yard to the extent practicable.~~ ***Medium- and Large-scale ground-mounted solar energy systems shall be set back a minimum of 60 (sixty) feet from the front property line or any boundary with a public right-of-way and adhere to all other setback requirements for structures of the applicable zoning district.***

***The Planning Board recommends this article by unanimous vote.***

**Article 6:** Are you in favor of the following amendment to the Town of Stratham Zoning Ordinance as proposed by the Planning Board?

To amend the Zoning Ordinance, Section III, to establish a new zoning district, the *Route 33 Legacy Highway Heritage District*, codified as Section 3.10, for parcels with frontages along the Route 33 corridor from the Town Center District to the Greenland town line. The intent of the District is to encourage historic preservation and adaptive re-use of structures through both greater regulation of demolitions and major building alterations as well as through greater flexibility in land uses.

### **3.10 ROUTE 33 LEGACY HIGHWAY CORRIDOR DISTRICT (Adopted 3/21)**

#### **3.10.1 Authority:**

- a. The action of the Town of Stratham, New Hampshire in the adoption of this Ordinance is authorized under RSA 674:21.II Innovative Land Use Controls and RSA 674:16 Grant of Power.
- b. This Ordinance was adopted to promote the health, safety, and general welfare of the Town of Stratham and its citizens, including protection of the environment, conservation of land, energy and natural resources, reduction in vehicular traffic congestion, more efficient use of public funds, health benefits of a pedestrian environment, preservation of community character, education and recreation, reduction in sprawl development, and improvement of the built environment.
- c. This Section was adopted as one of the instruments of implementation of the public purposes and objectives of the Town's Master Plan. This Ordinance is declared to be in accord with the Master Plan, as required by RSA 674:2.

#### 3.10.2 Applicability:

- a. This Ordinance shall establish the **Route 33 Legacy Highway Heritage District** (the "District"). The boundaries of the 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 **District** shall be mandatory for development projects within the 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 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 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 District, those of the District shall take precedence.
- e. The requirements of Section 3.10.8 Development Standards and Tables are an integral part of the 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.
- f. If in conflict, numerical requirements shall take precedence over graphic illustrations.

#### 3.10.3 Purpose and Intent:

- a. 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.
- b. To maintain and enhance the existing and surrounding neighborhood's residential and agricultural character while providing additional opportunities for Stratham-based



entrepreneurs and appropriately-sized small businesses to enter the marketplace, including home-based businesses or home occupations.

- c. To foster greater private investment along Portsmouth Avenue/Route 33, particularly in the nearly three dozen historically significant properties identified along the heavily traveled corridor.
- d. To preserve existing agricultural uses and to encourage new ones that are central to Stratham's existing character and provide new venues for the creation of locally-prepared or produced goods, foods, and services.
- e. To promote mixed-use development while maintaining a buffer to adjoining residential neighborhoods and protecting the historic fabric of the highway including structures, landscapes, features, and overall character;
- f. To provide for pedestrian and bicycle travel through the creation of sidewalks, paths, and bicycle paths where appropriate.
- g. To provide additional opportunities for residents of Stratham to engage socially and to allow additional venues for community discussions, for artistic expression, and to showcase the cultural and performing arts.
- h. To incentivize the creation of a greater diversity of housing types, styles, and sizes that are more accessible to community members of all ages and income levels.

#### 3.10.4 Heritage District Advisory Committee

- a. A Neighborhood Heritage District Advisory Committee, hereafter referred to as the Advisory Committee, shall be formed within 120 days of the adoption of the Route 33 Legacy Highway Heritage District for the purpose of reviewing and providing comments to the Planning Board for final decisions of applications. The Committee shall consist of the following members:
  - 1. One ~~designee~~ appointee of the Planning Board
  - 2. One ~~designee~~ appointee of the Heritage Commission
  - 3. One ~~designee~~ appointee of the Stratham Select Board
- b. In making appointments to the Heritage District Advisory Committee, reasonable efforts shall be made to stagger the terms of appointees and to appoint at least one member who lives in or owns property within the District.
- c. An appointee ~~designee~~ to the Advisory Committee may or may not be a member of the body they are appointed by. Terms of Advisory Committee members shall be for three years, unless the appointee is a member of the body they are appointed by in which case the length of the term shall coincide with their term on the respective Board or Commission.
- d. Members of the Advisory Committee shall appoint a Chairperson and Vice Chairperson on an annual basis.
- e. ~~The Advisory Committee shall meet within fourteen (14) days of the receipt of an application for development within the Heritage District.~~ The Advisory Committee, in

consultation with the Planning Board and Planning Department, shall publish a list of meeting dates and deadlines annually. The Advisory Committee shall set at least one application deadline in every month of the calendar year. The Advisory Committee may amend any meeting date so long as adequate public notice is provided consistent with state law. All meetings of the Advisory Committee shall be public meetings.

- f. The Advisory Committee shall be empowered to carry out the following activities:
  - 1. Establish Rules of Procedure, in accordance with RSA 671:1.
  - 2. Adopt guidelines, guidance documents or similar materials to assist applicants, the Advisory Committee, and the Planning Board in the composition, review, and efficient processing of Heritage District applications.
  - 3. Advise the Planning Board to guide decision-making on all Heritage District applications, through the submission of written recommendations and comments, including on, but not limited to, the following matters:
    - i. To provide recommendations related to site design and architectural characteristics of applications.
    - ii. To provide recommendations related to requested waivers when applicable under these regulations.
    - iii. To advise the Planning Board, when applicable, if an application meets the Conditional Use Permit criteria required under the Zoning Ordinance.
    - iv. To recommend final action on applications, including approval, denial or conditional approval of applications. The Advisory Committee may provide recommended language for conditions of approval.

Comments provided by the Advisory Committee shall be advisory in nature and the Planning Board shall not be bound by such comments. The Planning Board shall make all final decisions on applications.

- 4. When infrastructure improvements are planned to the corridor by the Town or the NH Department of Transportation, the Advisory Committee may provide comments to guide the design and/or implementation of such improvements. Additionally, the Committee may publish recommend roadway design and/or cross-sections to help guide planning, design, or engineering of improvements to public transportation infrastructure.
- 5. The Advisory Committee may participate in any public planning or design processes directly affecting the Portsmouth Avenue/Route 33 corridor.

#### 3.10.5 Activities Subject to and Exempt from Review

- a. The following construction activities occurring within the District shall be subject to review by the Advisory Committee and final decision by the Stratham Planning Board:
  - 1. The demolition, partial demolition, or removal of any structure that is over 100 square-feet in area that is at least 50 years old.

2. The construction of new structures, including accessory structures over 100 square-feet in area, or the addition to an existing structure. Construction activities may be exempt from review if they meet the requirements of Section 3.10.5.b.3.
  3. Any activity which requires Site Plan Review as stipulated in the Stratham Site Plan Regulations.
  4. Site work that increases the amount of impervious surface coverage on a parcel by more than 2,500 square-feet.
  5. New or replacement permanent signage unless it meets all requirements of Section 3.10.7.b of this Ordinance.
  6. The removal or clear cutting of existing vegetation more than 12,000 square-feet in area.
  7. The replacement of siding or roofing materials if the replacement material is of a different material unless the replacement material meets the requirements of Section 3.10.5.b.5.
  8. 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.
    - i. Views of the solar facilities must be screened from the public right-of-way. ~~The solar facilities must include screening from the public right-of-way.~~
    - ii. 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 and approval by the Planning Board and meet all requirements of Solar Energy Ordinance.
- b. The following activities within the District shall be exempt from review by the Heritage District Advisory Committee and approval of the Stratham Planning Board:
1. The demolition, partial demolition, or removal of any accessory structure that is under 100 square-feet and the demolition, partial demolition or removal of any structure that is less than 50 years old.
  2. The construction of a new accessory structure that is 100 square-feet or less in area and less than 12-feet in height.
  3. The construction of an addition to an existing structure shall require review and approval unless the addition meets all of the following criteria, in which case the addition shall be exempt from review and approval:
    - i. The addition is less than 250 square-feet;
    - ii. The addition is located to the rear or side of an existing structure;

- iii. The addition, based on the determination of the Stratham Code Enforcement Officer/Building Inspector, is not visible from the Portsmouth Avenue/Route 33 public right-of-way.
  - 4. Painting of exterior features
  - 5. The replacement of building siding and roofing materials if the replacement material is of the same general material. Additionally, the replacement of building siding materials may be exempt from review by the Advisory Committee and approval by the Planning Board only if existing vinyl, aluminum, or stucco siding is proposed to be replaced with wood siding or a like material.
  - 6. The siting of solar energy facilities, provided they meet the criteria of Section 3.10.5.a.8 of this Ordinance and all other requirements of the Zoning Ordinance.
- c. If a case arises where there is a question whether an application requires review by the Advisory Committee and approval of the Planning Board, the Planning Board shall be empowered to make a final decision on whether the application requires review by the Advisory Committee and approval of the Planning Board or is exempt from the provisions of this Ordinance.

#### 3.10.6 Site Design Standards:

- a. Purpose & Intent: The purpose and intent of this Ordinance is to preserve as much of the remaining historic character of the Portsmouth Avenue/Route 33 corridor as is practicable while allowing new construction that is appropriately scaled and consistent with the existing character of the built environment. In order to advance these objectives, the following standards shall apply to all applications for development in the District, however the Planning Board shall be empowered to waive any requirement of this section if the Board determines that such action will not diminish the historic and architectural character of the corridor.
- b. Architectural Standards:
  - 1. Building architectural design shall be consistent with or complementary to the existing character and land uses of the District, which is characteristic of traditional New England single-family and agricultural uses.
  - 2. The historic character of buildings/structures will be retained and preserved. The removal of distinctive materials or alteration of original features will be avoided. Further, new additions, exterior alterations, or related new construction will not destroy historic materials, features, and spatial relationships that characterize the historically significant structures. The new work shall be differentiated from the old and will be compatible with the historic materials, features, size, scale and proportion, and massing to protect the integrity of the property and its environment.

3. Building placement should follow the existing and historic development pattern of the highway, and should minimize visual, noise, and odor impacts to abutting properties and the public right-of-way.
4. Multiple buildings on the same site and attached buildings should be designed to create a cohesive visual relationship, as well as efficient circulation and access for pedestrians and vehicles. Accessory buildings should be designed to complement the primary building and/or use on the site in design and material expression.
5. Unless part of a barn or associated agricultural structure, long unbroken or unadorned wall planes shall be avoided such that building facades and walls should not extend beyond 50 feet without including changes of wall plane that provide strong shadow or visual interest.
6. Franchise or corporate style architecture is expressly prohibited. Highly contrasting color schemes (unless historically and architecturally appropriate) are prohibited in the District.
7. Fences in the traditional historic New England Village style and materials (i.e. picket, split rail, wrought iron, brick, stone) shall be used. ~~Vinyl fencing and/or Chain link~~ security fences may be allowed only where necessary for safety or security and where placement is limited to the rear yard of the property. The Planning Board may permit vinyl fencing if it determines the material is consistent with the existing character of the property and will not detract from the character of the surrounding area.
8. Exterior building siding materials shall include natural wood and/or cement based artificial wood siding, glass, or natural brick or stone materials. The Planning Board may permit vinyl or other siding materials if it determines the material is consistent with the existing character of the property and will not detract from the character of the surrounding area.
9. Sloped roofs are required ~~strongly recommended~~. The Planning Board may permit flat-roofed buildings only if it determines that the siting of the structure will not detract from the visual character of the surrounding area.
10. Standing seam, copper roofing, asphalt, wood, and slate shingles are preferred. Photovoltaic (PV) panel roof materials, which “simulate” traditional roofing materials, are acceptable.
11. Window and door openings on the front façade shall occupy a total of no less than 20% and no more than 70% of the gross square footage of that facade. The size and placement of windows should be commensurate with architectural style of the buildings and landscape elements in the development.
12. All windows and doorways shall be encased with wood or simulated wood trim.

13. True divided light windows and shutters are encouraged. Shutters shall be sized such that when closed they cover the window.
14. Material or color changes generally should occur at a change of plane. Piecemeal embellishment and frequent changes in color or material are prohibited.~~should be avoided.~~
15. Rooftop ~~and ground-mounted~~ mechanical equipment shall be fully screened from view of abutting properties and from the public right-of-way.
16. All new electrical utilities shall be located underground.

c. Dimensional Requirements:

1. 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.
2. Side and rear setbacks shall be a minimum of 20-feet.
3. No structure shall exceed a height of 35 feet.
4. No structure shall exceed a gross building footprint size of 10,000 square-feet.
5. 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.

d. Parking Standards:

1. Surface parking areas must be limited and sufficiently screened in the District. The number of surface parking spaces provided for a use shall not exceed the minimum number of spaces required under the Stratham Site Plan Regulations by a factor of more than 15 percent. The Planning Board may waive this requirement if additional parking is provided in the form of overflow parking that is only utilized for special events and and/or unusual circumstances and includes a pervious surface treatment.
2. Parking areas must be located to the side or rear of a structure and should be setback at least 20-feet from the boundary with a public right-of-way or an abutting property. The Planning Board may waive this requirement, if after consultation with the Advisory Committee, the Board determines that there is no reasonable alternative location on the parcel in which to locate parking conforming with this requirement.
3. Parking areas located fronting a roadway or located within 20-feet of an abutting property boundary shall be subject to the landscaping and screening requirements of Section 3.6.10.e.2, Landscaping Standards, of the Ordinance.
4. For site with two or more uses, shared parking shall be permitted and encouraged to maximize parking resources and reduce the provision of parking

facilities that go unutilized during most hours of the day. For applications that include shared parking, the Planning Board may require the applicant provide a parking demand memorandum prepared by a certified professional indicating how the uses will generate differing peak periods of parking demand.

e. Landscaping Standards:

1. The Planning Board, at its sole discretion, may require a Landscape Plan for any application under this Ordinance. Additionally, the Planning Board may require landscaping be planted to provide screening and to reduce the visual effects of new development along the corridor. For applicants seeking site plan approval, conformance with the Landscaping Requirements of the Site Plan Regulations is required.
2. Use of native species of trees, shrubs, ground cover, and flowering plants is encouraged. Landscaping should be tolerant of a New England climate, including to road salt applications.
3. For properties with an approved non-residential use ~~an approved commercial use~~, the following Landscaping Standards shall apply:
  - i. Street Trees: A Street Tree strip shall be provided running parallel with the lot frontage along a public right-of-way. A minimum of one indigenous shade tree shall be provided for every 40-feet of road frontage along the property and must be planted within 15-feet of the boundary with the public right-of-way. Examples of indigenous shade trees include but are not limited to maple and oak trees. Street trees shall be spaced at least 20-feet apart at the time of planting and must be a minimum of 2.5 inches in caliper at the time of planting.
  - ii. Landscaping of Parking Areas: Parking areas facing a public right-of-way or located within 20-feet of an abutting property boundary must include sufficient screening. Screening may be provided in the form of a continuous and dense mix of indigenous trees and shrubs planted within 12-feet of the limits of the parking area facing the roadway or abutting property. Alternatively, a mix of landscaping and stonewalls or fencing compatible with the character of the District may be utilized to provide sufficient screening.

f. Exterior Lighting Standards:

1. Site lighting shall not adversely impact surrounding uses and residential projects, and be designed with minimal light spilling or reflecting into adjacent properties and with protection of the night sky and wildlife habitat. Such lighting shall not blink, flash, oscillate, or be of unusually high intensity of brightness, except for purposes of providing emergency services or to protect public safety. Soft white lighting is preferred.
2. For commercial uses, a photometric plan, indicating levels of illumination in foot-candles at ground level is required. The average illumination of an area

shall not exceed 3 foot-candles. Illumination measured at the property line shall not exceed 0.5 foot-candles.

3. All exterior lighting shall be fully-downcast. The Planning Board may waive this requirement in order to illuminate the architectural features of a historic building, a flag mounted on a flagpole, or large trees, if the lighting otherwise meets all requirements of the Ordinance and does not exceed an initial output of 1,800 lumens. In such cases, up-lighting is permitted but only if it is located at the ground level and narrowly directed to illuminate the features described in this section.
4. Freestanding exterior lights shall be no taller than 15-feet in height and fully downcast.
5. Exterior lighting shall be consistent with the historic character of the District and shall generally be of a lantern, agricultural, or gooseneck style. The Planning Board shall have the authority to waive this requirement if alternative styles of lighting are deemed necessary for site function and/or security.
6. Exterior lights associated with approved commercial uses shall be dimmed or turned off after 9 pm.
7. Seasonal holiday lighting shall be exempt from these regulations.

#### 3.10.7 Standards for Signage

- a. Applications for permanent signage in the District must meet all of the following requirements:
  1. No signage in the District shall be internally illuminated.
  2. Only one freestanding sign is permitted for each property in the District that includes an approved home occupation, commercial, agricultural, or multi-family residential use, or that advertises a multi-unit housing development. No permanent freestanding signage shall be permitted on properties where the principal use is a duplex or single-family residence unless the property includes an approved home occupation.
  3. Externally illuminated signage is permitted if the lighting source is located above the sign and fully downcast and projected to illuminate only the sign area. Only soft-white lighting of signage is permitted.
  4. Signage must be consistent with the character and architecture of the property.
  5. Freestanding signs ~~must be set back a minimum of eight feet from the boundary line with the right-of-way and~~ shall not exceed a height of 10-feet.
  6. Freestanding signs must not exceed an area of 16 square-feet.
  7. Only one wall sign is permitted per road frontage on structures that include approved agricultural, commercial, or multi-family residential uses. No wall sign shall exceed an area of 16 square-feet. A second wall sign, not to exceed 10 square-feet, shall be permitted only on properties that have more than one



road frontage or include more than one structure that houses approved agricultural, commercial, or multi-family uses. Wall signs must be similar in character and general appearance to any freestanding signs on the property. Wall signs must be mounted to the façade of the building and congruent with the architecture of the structure. Roof-mounted signs are prohibited.

8. Both freestanding and wall signage shall be made of wood or masonry materials or of materials that are designed to realistically mimic the appearance of wood or masonry. Acceptable masonry materials include stone, brick, or slate.
  9. ~~No more than two directional signs may be sited within a single parcel.~~ Directional signs must be set back a minimum of five ~~eight~~-feet from the boundary line with the right-of-way. The Planning Board shall be empowered to limit the number of directional signs sited on a property as part of its site plan review authority.
- b. Applications for permanent signage shall not require review of the Advisory Committee and approval of the Stratham Planning Board if the signage conforms to all of the requirements of Section 3.10.7.a of the Ordinance and meets all of the following standards:
1. Signage shall be limited to no more than two colors.
  2. Freestanding signs shall be limited to either a post sign or a monument sign as defined under Section 3.10.7.c. and meeting all the requirements outlined therein.
- c. Post and Monument Signage
1. Post Signs - A post sign consists of a one or two-sided sign hanging from the extended arm or bracket of a single post anchored into the ground. A post sign shall not exceed 8 square-feet in area and 10-feet in height. Please refer to Exhibit A for examples of acceptable post signs. Post signs must conform to the design examples outlined in Exhibit A.
  2. Monument Signs - A monument sign consists of a one or two sided sign anchored by either two individual posts or a base that is equal to or larger in width than the sign it supports. For monument signs supported by two posts, the sign must not exceed the height of the posts by more than one-foot and the sign may not obscure the forward view of the posts. Additionally, the combined width of the sign posts shall be no less than 10 percent but no more than 50 percent of the width of the sign area. For signs supported by a base, the width of the base must be larger than the width of the sign area but shall not exceed the sign area width by more than 40 percent. A monument sign shall not exceed 16 square-feet in area and six-feet in height. Please refer to Exhibit A for examples of acceptable monument signs. Monument signs must conform to the design examples outlined in Exhibit A.
- d. Residents and businesses in the District are permitted to display Temporary signage, provided such signage meets the following requirements:

1. Only one temporary sign per property may be displayed at a single time in the District.
2. Temporary signs on parcels where commercial or residential uses are the primary uses shall be displayed no more than 60 days in a calendar year. Temporary signs on parcels where agriculture is the primary use shall be displayed no more than ~~120~~ 180 days in a year.
3. Temporary signs shall not exceed five feet in height.
4. Political signage shall be exempt from these requirements.

#### 3.10.9 Demolition Standards:

- a. It is the intent of this Ordinance to preserve as much of the remaining historic character of the Portsmouth Avenue/Route 33 corridor as is practicable. The distinguishing original qualities or character of a building, structure, or site and its environment shall not be destroyed. The removal or alteration of any historic material or distinctive architectural feature should be avoided whenever possible. In rare cases when preservation is not feasible, demolition shall not be permitted unless one or the more following conditions are met:
  1. If a building has lost its architectural and historical integrity and importance and its removal will not result in a more negative, less appropriate visual effect on the district;
  2. If the denial of the demolition will result in an unreasonable economic hardship on the applicant as sufficiently proven to the Planning Board;
  3. If the public safety and welfare requires the removal of a structure or building;  
~~and~~
  4. If the structural instability or deterioration of a property is demonstrated through a report by a structural engineer or architect. Such a report must clearly detail the property's physical condition, reasons why rehabilitation is not feasible, and cost estimates for rehabilitation versus demolition plus replacement; and
  5. Demolition by neglect, in which a structure is permitted to degrade by the property owner due to a lack of adequate maintenance, shall not by itself represent a valid justification for demolition. The Planning Board may require mitigation be provided in applications where the Board finds that the property owner allowed for demolition by neglect and preservation of the structure is no longer viable.
- b. Jurisdiction of applications for demolitions in the District shall rest with the Planning Board after advisement by the Advisory Committee. The provisions of the Demolition Review Ordinance shall not apply to properties within the District. However, the Planning Board or the Advisory Committee may request the advisement of the Demolition Review Committee related to an application for demolition within the District.

### 3.10.10 Land Uses:

- a. **Permitted Uses:** The 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 District:

- 1. 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 in the District, unless the Planning Board determines that such a use is consistent with the residential and rural character of the District and if either of the following three criteria are met:
    - i. If the total square-footage of the property 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.
    - ii. 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.
    - iii. 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.
  - 2. For commercial uses located in the 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 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.

1. Multi-family housing development shall not exceed a density of three units per acre. 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.
2. Senior Housing, or any form of housing that is restricted to a specific age demographic, is prohibited in the District.

***The Planning Board recommends this article by unanimous vote.***

**Article 7:** Are you in favor of the following amendment to the Town of Stratham Zoning Ordinance as proposed by the Planning Board?

To amend the Zoning Ordinance, Section III, by deleting Table 3.6 *Table of Uses and Footnotes to Table 3.6* in its entirety and to replace with a revised Section 3.6 *Table of Uses and Footnotes to Table 3.6* in order to better clarify permitted and prohibited land uses by zoning district. This amendment would also permit Personal Services in the Professional/Residential District and, if passed, would account for land uses in the Route 33 Legacy Highway Heritage District.

**TABLE 3.6 TABLE OF USES**

| USES:   |     | ZONING DISTRICT |     |    |         |     |      |     |                    |  |
|---|-----|-----------------|-----|----|---------|-----|------|-----|--------------------|--|
| A. <u>RESIDENTIAL USES:</u>   | R/A | MAH             | PRE | TC | GCBD CZ | SC  | CLIO | IND | 33HD <sup>10</sup> |  |
| 1. Single-Family Dwelling.  | P   | P               | P   | P  | X       | X   | X    | X   | P                  |  |
| 2. Two-Family Dwelling.   | P   | P               | P   | P  | X       | S/C | X    | X   | P                  |  |
| 3. Multi-Family Dwelling in accordance with Section 5.8 of this Ordinance.  | X   | X               | C   | P  | C       | C   | C    | X   | C                  |  |
| 4. Cluster Developments by conditional use permit in accordance with Section VIII of this Ordinance. (Rev. 3/99) Also Senior Housing as set forth in Section 5.7 (3/05) | C   | X               | C   | P  | C       | C   | X    | X   | C                  |  |
| 5. Workforce Housing and Elderly Affordable Housing in accordance with Section 5.8 of this Ordinance.   | C   | X               | C   | P  | C       | C   | C    | X   | C                  |  |
| 6. Planned Retirement Communities and Elderly Affordable Housing in accordance with Sections 5.6 and 5.8 of this Ordinance <sup>16</sup>                                | X   | X               | X   | X  | X       | X   | X    | X   | X                  |  |
| 7. Manufactured Housing;  | P   | P               | X   | P  | C       | X   | X    | X   | X                  |  |
| 8. Mobile Homes; in accordance with Section IX of this Ordinance.   | X   | P               | X   | X  | X       | X   | X    | X   | X                  |  |
| 9. Home Occupations in accordance with Sections 2.1.27, 5.13 (3/10)   | S/C | S/C             | S/C | P  | C       | X   | X    | X   | S/C                |  |
| 10. Accessory Dwelling Units in accordance with Section 5.4. (Rev. 3/22)  | P   | P               | P   | P  | X       | X   | X    | X   | P                  |  |

| B. <u>TEMPORARY RESIDENTIAL USES</u>   |     |     |     |   |   |   |   |   |   |
|--|-----|-----|-----|---|---|---|---|---|---|
| 1. Overnight and Day Camps, Cottage Colonies, Vacation Resorts, and similar Recreational Facilities. | S/C | S/C | X   | X | C | X | X | X | C |
| 2. Bed and Breakfast Inns.   | S/C | S/C | S/C | P | C | P | P | X | P |
| 3. Hotels, Motels, and Hostels. (Rev. 3/98)  | X   | X   | X   | P | C | P | C | X | X |

| <b>C. OUTDOOR/ RECREATIONAL USES:</b>   |     |     |   |   |   |   |     |     |   |
|---|-----|-----|---|---|---|---|-----|-----|---|
| 1. Forestry, Wildlife, Timber Preserves, Reservoirs, and Nature Study areas.                      | P   | P   | P | P | C | P | P   | P   | P |
| 2. Public Parks and Playgrounds.  | P   | P   | P | P | C | P | S/C | S/C | P |
| 3. Commercial Riding Stables and Riding Trails.   | S/C | S/C | X | X | X | X | X   | X   | C |
| 4. Historic Building or Site open to public.  | P   | P   | P | P | C | P | P   | P   | P |
| 5. Recreational Camping Parks, Recreational Areas, Residential Tenting and Recreational Vehicles. | S/C | S/C | X | X | C | X | X   | X   | C |

| <b>D. AGRICULTURAL / FORESTRY USES:</b>   | R/A | MAH | PRE | TC             | G CBD | SC | CLIO | IND | 33HD <sup>10</sup> |
|---|-----|-----|-----|----------------|-------|----|------|-----|--------------------|
| 1. <del>Farming</del> , <b>Agriculture and Agritourism<sup>1</sup></b> , including Dairying, Livestock, Animal and Poultry Raising, Tilling of Soil, Horticulture, Crop Production, including customary accessory uses. | P   | P   | P   | P              | C     | P  | P    | P   | P                  |
| 2. Tree Farming, Commercial Timbering, Non-commercial Harvesting of Forest Products.  | P   | P   | X   | P <sup>1</sup> | C     | P  | P    | S/C | P                  |

| <b>USES:</b>  | <b>ZONING DISTRICT</b> |                |                |              |              |                |                |                |                    |
|---|------------------------|----------------|----------------|--------------|--------------|----------------|----------------|----------------|--------------------|
| <b>E. INSTITUTIONAL USES:</b>   | R/A                    | MAH            | PRE            | TC           | G CBD        | SC             | CLIO           | IND            | 33HD <sup>10</sup> |
| <del>1. Private Schools, Nursery through College.</del>   | <del>S/C</del>         | <del>S/C</del> | <del>X</del>   | <del>P</del> | <del>C</del> | <del>S/C</del> | <del>S/C</del> | <del>S/C</del> |                    |
| <b>1. Educational Facilities</b>  | <b>S/C</b>             | <b>S/C</b>     | <b>X</b>       | <b>P</b>     | <b>P</b>     | <b>S/C</b>     | <b>S/C</b>     | <b>S/C</b>     | <b>P</b>           |
| 2. Day-Care Facilities. (Rev. 3/95)   | S/C                    | S/C            | S/C            | P            | C            | S/C            | C              | S/C            | P                  |
| <del>3. Senior Citizen Centers.</del>   | <del>S/C</del>         | <del>S/C</del> | <del>S/C</del> | <del>P</del> | <del>C</del> | <del>X</del>   | <del>C</del>   | <del>X</del>   |                    |
| <b>3. Community Centers, Art Galleries and Small Performing Arts Venues (limited to a total occupancy of no more than 50 persons)</b> | <b>S/C</b>             | <b>S/C</b>     | <b>S/C</b>     | <b>P</b>     | <b>P</b>     | <b>X</b>       | <b>C</b>       | <b>X</b>       | <b>P</b>           |
| 4. Non-profit Lodges and Fraternal Organizations.   | S/C                    | S/C            | X              | P            | C            | X              | X              | S/C            | P                  |
| <del>5. Hospitals, Nursing Homes and Rehabilitation Centers.</del>  | <del>X</del>           | <del>X</del>   | <del>X</del>   | <del>X</del> | <del>C</del> | <del>S/C</del> | <del>S/C</del> | <del>S/C</del> | <del>X</del>       |
| <b>6. Nursing Homes and Rehabilitation Centers</b>  | <b>X</b>               | <b>X</b>       | <b>X</b>       | <b>X</b>     | <b>C</b>     | <b>S/C</b>     | <b>S/C</b>     | <b>S/C</b>     | <b>C</b>           |
| 7. Funeral Home or Parlor.  | X                      | X              | X              | P            | C            | S/C            | S/C            | X              | X                  |
| 8. Place of worship plus customary ancillary facilities. (Rev. 3/89)  | S/C                    | S/C            | P              | P            | C            | X              | X              | C <sup>9</sup> | P                  |
| 9. Cemetery.  | P                      | P              | P              | P            | C            | X              | X              | X              | P                  |
| 10. Public Utilities.   | S/C                    | S/C            | S/C            | P            | C            | S/C            | S/C            | S/C            | S/C                |
| 11. Municipal Buildings.  | P                      | P              | P              | P            | C            | P              | P              | P              | P                  |

| USES:   | ZONING DISTRICT |     |                |    |             |     |      |                |                    |
|---|-----------------|-----|----------------|----|-------------|-----|------|----------------|--------------------|
| F. <u>COMMERCIAL USES:</u>  | R/A             | MAH | PRE            | TC | G CBD<br>CZ | SC  | CLIO | IND            | 33HD <sup>10</sup> |
| 1. Retail Sales. (Rev. 3/13)  | X               | X   | C <sup>2</sup> | P  | P           | P   | P    | S/C            | C <sup>17</sup>    |
| 2. Personal Services. (Rev. 3/13)   | X               | X   | P              | P  | P           | P   | P    | P              | C                  |
| 3. Commercial Services.(Rev. 3/13)  | X               | X   | X              | P  | P           | P   | P    | P              | C                  |
| 4. Professional Office. (Rev. 3/13)   | X               | X   | P              | P  | P           | P   | P    | P              | P                  |
| 5. Banks & Lending Institutions   | X               | X   | S/C            | P  | P           | P   | P    | P              | C                  |
| 6. Restaurants  | X               | X   | X              | P  | P           | P   | P    | C <sup>9</sup> | C                  |
| 6. Small Restaurants (under 2,500 square-feet of gross interior space)  | X               | X   | C              | P  | P           | P   | P    | C <sup>9</sup> | C                  |
| 7. Large Restaurants (over 2,500 square-feet of gross interior space)   | X               | X   | X              | P  | P           | P   | P    | C <sup>9</sup> | X                  |
| 8. Brew Pubs  | X               | X   | X              | P  | P           | P   | P    | C <sup>9</sup> | X                  |
| 9. Nano Breweries <sup>12</sup>   | X               | X   | X              | P  | P           | P   | P    | P              | C                  |
| 10. Wineries  | X               | X   | X              | C  | P           | P   | P    | X              | C                  |
| 11. Filling Stations, Service Stations.   | X               | X   | X              | X  | C           | X   | X    | X              |                    |
| 12. Motor Vehicle Dealerships, Repair Garages, Body Shops, Paint Shops.<br>(Rev. 3/99)                                  | X               | X   | X              | X  | C           | X   | X    | X              |                    |
| 11. Motor Vehicle Dealerships <sup>14</sup> , Automobile Service Facilities, and Gasoline Stations                      | X               | X   | X              | X  | C           | X   | X    | X              | X                  |
| 12. Parking Lots or Parking Garages as a primary use <sup>15</sup>  | X               | X   | X              | X  | X           | X   | X    | X              | X                  |
| 13. Veterinary Hospitals.   | X               | X   | X              | P  | C           | P   | P    | X              | S/C                |
| 14. Kennels, with a minimum lot size of five acres and a structure setback of a minimum of 100 feet from all lot lines. | S/C             | X   | X              | X  | C           | S/C | S/C  | X              | S/C                |
| 15. Airports, Runways, Control Towers, Administration Buildings, Hangars.   | X               | X   | X              | X  | X           | X   | X    | X              | X                  |
| 16. Drive-through Services  | X               | X   | X              | C  | C           | X   | X    | X              | X                  |
| 17. Society for Prevention of Cruelty to Animals. (Rev. 3/97)   | S/C             | X   | P              | X  | X           | X   | X    | X              | X                  |

  

| USES:   | ZONING DISTRICT |     |     |    |                  |                  |                |     |                    |
|---|-----------------|-----|-----|----|------------------|------------------|----------------|-----|--------------------|
| F. <u>COMMERCIAL USES:</u>  | R/A             | MAH | PRE | TC | G CBD<br>CZ      | SC               | CLIO           | IND | 33HD <sup>10</sup> |
| 18. Adult Uses. (Adopted 3/93)  | X               | X   | X   | X  | S/C <sup>5</sup> | S/C <sup>5</sup> | X              | X   | X                  |
| 19. Special Promotional Sales & Displays <sup>6</sup> . (Adopted 3/96)                | X               | X   | X   | P  | P                | P                | P              | X   | X                  |
| 20. Self Storage or Warehousing. (Adopted 3/99)                                       | X               | X   | X   | X  | C <sup>7</sup>   | C <sup>7</sup>   | C <sup>7</sup> | X   | X                  |
| 21. Small Conference Center or Event Venue (with a capacity of 50 or fewer occupants) | X               | X   | X   | P  | P                | P                | X              | X   | C                  |
| 22. Large Conference Center Event Venue (with a capacity of more than 50 occupants)   | X               | X   | X   | P  | P                | P                | X              | X   | X                  |
| 23. Movie Theater, Indoor Entertainment Complex. (Adopted 3/09)                       | X               | X   | X   | P  | P                | P                | X              | X   | X                  |

  

| G. <u>INDUSTRIAL USES:</u>   | R/A | MAH | PRE | TC | G CBD<br>CZ | SC             | CLIO | IND | 33HD <sup>10</sup> |
|--|-----|-----|-----|----|-------------|----------------|------|-----|--------------------|
| 1. Manufacturing, Assembly, Fabricating Operations.                    | X   | X   | X   | X  | C           | X              | C    | P   | X                  |
| 2. Research and Development, Corporate, and Business Offices.          | X   | X   | X   | P  | C           | P              | P    | P   | X                  |
| 3. Warehousing and Wholesaling Operations.                             | X   | X   | X   | X  | C           | S/C            | C    | P   | X                  |
| 4. Freight and Trucking Terminals.                                     | X   | X   | X   | X  | C           | S/C            | C    | S/C | X                  |
| 5. Bulk Storage and Distribution of Goods, except Fuels.               | X   | X   | X   | X  | X           | X              | C    | P   | X                  |
| 6. Bulk Storage of Fossil Fuels.                                       | X   | X   | X   | X  | X           | X              | X    | X   | X                  |
| 7. Earth Products Removal subject to the provisions of Section X.      | P   | P   | X   | X  | C           | P              | P    | P   | C                  |
| 8. Commercial Sawmills.  | X   | X   | X   | X  | X           | S/C            | X    | S/C | X                  |
| 9. Junk Yards, Recycling Centers.                                      | X   | X   | X   | X  | X           | X              | X    | S/C | X                  |
| 10. Special Promotional Sales & Displays <sup>6</sup> . (Adopted 3/96) | X   | X   | X   | P  | P           | P              | P    | X   | X                  |
| 11. Maker Space  | X   | X   | C   | P  | P           | P              | P    | P   | C                  |
| 12. Light Industrial (Adopted 3/98)                                    | X   | X   | X   | X  | X           | P <sup>8</sup> | P    | P   | C                  |

<sup>1</sup> - ~~In the Town Center District~~, Agriculture and Agritourism as defined in Section II, Definitions, 2.1.6. Forestry uses permitted include tree farming, commercial timbering, non-commercial harvesting of forest products.

<sup>14</sup> - *Motor Vehicle Dealerships shall not be limited to lots for storage of motor vehicles for sale. A Motor Vehicle Dealership must include a structure of at least 2,500 square-feet where sales and other functions of the dealership are conducted.*

<sup>15</sup> - *Parking lots or parking garages, defined as a storage area for six or more motor vehicles, shall be prohibited as a primary use of a parcel. Parking lots and parking garages are permitted accessory uses.*

*The Planning Board recommends this article by unanimous vote.*

**Article 8:** Are you in favor of the following amendment to the Town of Stratham Zoning Ordinance as proposed by the Planning Board?

To amend the Zoning Ordinance, Section II *Definitions*, to provide definitions for land uses included in Table 3.6 *Table of Uses* to better define and clarify the permitted nature and scope of land uses.

Definitions to be added:

*Art Studio or Gallery: A space used by an artist or artists for the creation of any visual art or craft, including but not limited to, painting, drawing, photography, sculpture, and pottery; of written works of fiction or nonfiction; or any performing art, whether for live or recorded performance, including music, dance, and theater. Retail sales of art produced on-site and arts instruction by the artist are permitted accessory uses.*

*Bed & Breakfast or Inn - A use conducted by the resident and owner of the property where overnight accommodations to the general public are offered on a transient basis and where a full or continental breakfast is offered to overnight guests. The owner of the inn shall maintain his or her full-time residence at the property and no more than ten rooms or suites may be offered for overnight accommodations. A Bed & Breakfast or Inn may include an accessory small restaurant or tavern provided it is clearly accessory to the primary use and does not exceed a total of 2,000 square-feet of interior space.*

*Brew Pub: A manufacturer of beer or specialty beer, not exceeding 2,500 barrels annually, which as a functional part of its business, maintains a full service restaurant serving the beer it manufactures.*

*Small Conference Center - A facility, located in a building, which is rented, leased, or otherwise made available to any person or group for the purpose of hosting public or private events of a social, civic, or business nature, often with accommodations for food service for guests. Occupancy of Small Conference Centers shall be restricted to a total of no more than 50 guests at any one time.*

***Large Conference Center:*** A facility, located in a building, which is rented, leased, or otherwise made available to any person or group for the purpose of hosting public or private events of a social, civic, or business nature, often with accommodations for food service for guests. Occupancy of Large Conference Centers shall be for more than 50 guests but restricted to a total of no more than 250 guests at any one time.

***Educational Facilities:*** A public elementary or secondary school, seminary, parochial school or private education institution having a curriculum similar to that ordinarily given in grades one through twelve in a public school system. An educational facility may also include a use that primarily provides tutoring services or continuing education classes, or one that regularly provides classes or seminars or screens films dedicated to expanding academic understanding or facilitating community discussions.

***Hotel or Motel:*** A use where overnight accommodations to the general public are offered on a transient basis. A hotel or motel shall include more than ten rooms for overnight occupancy and may include restaurants or dining facilities and facilities for guest use including swimming pools, athletic courts, spas, and similar recreation or personal service facilities.

***Nursing Homes and Rehabilitation Centers -*** A facility providing room and board together with continuing medical or nursing supervision, or medical care or treatment, but not including a facility that is primarily for the provision of alcohol, drug abuse or mental health services. Uses include licensed nursing homes, rest homes, convalescent care facilities, rehabilitation hospitals, and/or hospice centers.

***Small Restaurant:*** An establishment where food is prepared, served and consumed primarily within a building where the restaurant use does not either exceed either a maximum gross interior square footage of 2,500 square-feet or a maximum of 80 seats for diners, whichever is smaller.

***Large Restaurant:*** An establishment where food is prepared, served and consumed primarily within a building where the restaurant use exceeds a gross interior square footage of 2,500 square-feet or includes seating for more than 80 diners.

***The Planning Board recommends this article by unanimous vote.***

**Article 9:** Are you in favor of the following amendment to the Town of Stratham Zoning Ordinance as proposed by the Planning Board?

To amend the Zoning Ordinance, Section IV, Section 4.2 Table of Dimensional Requirements and Section 4.3 Explanatory Notes to clarify that ‘porkchop lots’ which do not meet the minimum frontage requirements are prohibited and to clarify that the minimum frontage requirement for parcels in the Professional/Residential District shall be 150-feet.



## 4.2 TABLE OF DIMENSIONAL REQUIREMENTS: (REV 3/00, 3/13, 3/18)

(See explanatory footnotes on next page)

|                                       | DIMENSIONAL REQUIREMENT:                            | Residential/<br>Agricultural: | Manufactured<br>Housing/Mobile<br>Home: | Professional/<br>Residential: | Special Commercial:<br>without Utilities /<br>with Utilities<br>(public water and<br>sewer services)<br>(Adopted 3/09) |      | Commercial<br>/Light Industrial<br>Office: | Industrial:          | Retirement<br>Planned<br>Community:<br>(h) |
|---------------------------------------|---|-------------------------------|---|-------------------------------|--|------|--|----------------------|--|
| MINIMUM<br>Lot<br>Dimensions:<br>(a)  | AREA:   | 2-acres (c)                   | 1-acre (c)                              | 1-acre (c)                    | 1-acre   |      | 1-acre                                     | 2-acres              | 5-acres                                    |
|                                       | CONTINUOUS<br>FRONTAGE:                             | 200' (c)                      | 100' (c)                                | 150'<br><del>200</del> (c)    | 200'   | 100' | 150'                                       | 150'                 | 50'  |
|                                       | DEPTH:  | 150'                          | 150'                                    | 150'                          | 100'   | 100' | 100'                                       | 200'                 | 200'                                       |
| MINIMUM<br>Yard<br>Dimensions:<br>(a) | FRONT:  | 30' (d)                       | 30' (d)                                 | 30' (b)                       | 60'  | 40'  | 30' (b)                                    | 30' (b)              | 40'  |
|                                       | SIDE:   | 20'                           | 20'                                     | 20' (b)                       | 25'  | 10'  | 25'  | 40'                  | 40'  |
|                                       | REAR:   | 20'                           | 20'                                     | 20' (b)                       | 25'  | 20'  | 25'  | 50'                  | 40'  |
|                                       | MAXIMUM<br>HEIGHT OF<br>STRUCTURE:                  | 35'                           | 35'                                     | 35'                           | 35'  | 50'  | 35' (e)                                    | 35' (e)              | 45'  |
|                                       | MAXIMUM %<br>BUILDING<br>COVER/LOT:                 | 20%                           | 25%                                     | 30%                           | 40%  | 60%  | 40%  | 40'                  | 40%  |
|                                       | MAXIMUM<br>BUILDING<br>FOOTPRINT:<br>(Adopted 3/00) | N/A                           | N/A                                     | N/A                           | 80,000 sq. feet  |      | 80,000 sq. feet                            | N/A                  | N/A  |
|                                       | MINIMUM %<br>OPEN<br>SPACE/LOT:                     | 60%                           | 50%                                     | 50%                           | 50%  | 30%  | 40%  | 40%                  | 40%  |
|                                       | FRONT OPEN<br>SPACE<br>SETBACK:                     | N/A                           | N/A                                     | 30' minimum<br>50' average    | 35'<br>min.<br>50'<br>avg.   | NA   | See: 4.3(j)<br>explanatory notes           | 25' min.<br>50' avg. | 40' min.                                   |
|                                       | SIDE/REAR<br>OPEN SPACE<br>SETBACK:                 | N/A                           | N/A                                     | 20' minimum<br>30' average    | 25'<br>min.<br>40'<br>avg.   | NA   | See: 4.3(j)<br>explanatory notes           | 25' min.             | 40' min.                                   |

## 4.3 EXPLANATORY NOTES (REV. 3/18)

The following explanatory notes shall provide further definitions for the footnoted items in Table 4.2.

(a) All measurements are in feet unless otherwise noted. The minimum lot size shall be increased depending on the soil classification as defined by the Natural Resources Conservation Service. (Rev. 3/98)

(b) When the footnoted professional/residential, commercial, office, or industrial uses abut residential uses or a residential district, the minimum front and rear setbacks shall be 100 feet and the side setback shall be 50 feet.

(c) For a duplex house on a single lot, the minimum lot size shall be 1.5 acres and have 175 feet of continuous frontage. In the R/A District a duplex house on a single lot shall have a minimum lot area of 3 acres and a minimum continuous frontage of 200 feet. (Rev. 3/00)

(d) For lots that abut Route 33 or Route 108, the minimum front setback shall be 10 feet from the State Right-of-Way or 20 feet from edge of pavement, whichever is greater. ***This provision shall not apply to lots in the Gateway Commercial, Town Center, or Route 33 Legacy Highway Heritage Districts, where the provisions of those Districts shall govern setback distances.*** The above setbacks shall not apply to septic tanks and/or leaching fields. Septic tanks and/or leaching fields must be located at

least 30 feet from the edge of a right-of-way, or comply to the standards set forth in Section 20.1.1 & 2 of this Ordinance; the more restrictive provision shall apply. In addition, for land that lies south and west of Route 101 that is also served by municipal sewer and water, the minimum rear and side open space setback shall be the same as the yard dimensions, the minimum open space shall be 15%, and the height of the buildings may also be increased in accordance with footnote f, below. (Rev. 3/91, 3/96, 3/99, 3/13)

(e) For the footnoted districts, an applicant may request a waiver to these regulations from the Planning Board during Site Plan Review, to exceed the height limit provided it is determined by the Board that the extra height will not create a safety hazard. (Rev. 3/20)

(f) Except as modified by Section 9.5. (Rev. 3/89)

(g) The Planning Board shall adopt regulations to administer the open space and buffer requirements for the CLIO zone where the zone abuts residential zones and uses. These buffers shall provide visual and otherwise protective vegetative buffer utilizing existing vegetation and landscaping to the maximum extent feasible, and where appropriate, fabricated materials and fences. Such buffers shall be at a minimum depth of 100', and may provide in all seasons an opaque screening at the discretion of the Planning Board. However, the Planning Board may require a greater distance. The buffer may exist outside the CLIO district through ownership or easement and may contain appurtenant structures that are compatible with the maintenance of a vegetative cover (e.g. leach fields, drainage areas, etc.). (Adopted 3/98)

(h) For a Retirement Planned Community, the minimum lot shall be 5 acres and height shall be measured with a maximum of three (3) stories above grade. Density, setbacks between structures, setbacks to interior lot lines, minimum lot size per unit, setbacks to wetlands, and parking shall be controlled by Section V: 5.6, Retirement Planned Community. (Adopted 3/99)

(i) An approved lot must be created where a square, with each side measuring 75% of the required frontage required by the Zoning District is placed at, and having one side placed along and in parallel with the front setback line as required by the base zone. The placement must not cause any portion of the square to cross a proposed lot line. ~~For pork chop lots, a square, with each side measuring 75% of the required frontage required by the Zoning District is placed at, and having one side placed along and in parallel with the setback line that is either parallel to, or most proximal to, the street providing frontage for the lot.~~

*The Planning Board recommends this article by unanimous vote.*

**Article 10:** Are you in favor of the following amendment to the Town of Stratham Building Ordinance as proposed by the Planning Board?

To amend the Zoning Ordinance, Section V, by deleting Section 5.7 *Affordable Senior Housing* and re-numbering subsequent sections of the Ordinance, because the Ordinance already provides for Elderly Affordable Housing and this section is duplicative. This is a housekeeping amendment to eliminate inconsistencies related to the land use in the Ordinance.

## **5.5 — AFFORDABLE SENIOR HOUSING** (Rev. 3/96)

~~The Affordable Senior Housing uses shall adhere to all provisions of the Stratham Zoning Ordinance unless preempted by the provisions below.~~

~~5.5.1 Location: Affordable Senior Housing may be allowed within the Residential/Agricultural (R/A) zone by Conditional Use Permit issued by the Stratham Planning Board, and shall be limited to lots greater than five (5) acres in size.~~

~~5.5.2 Conditional Use Permits: Affordable Senior Housing developments shall obtain a conditional use permit from the Planning Board. The conditional use permit shall clearly set forth all conditions of approval and shall clearly list all plans, drawings, and other submittals that are part of the approved use. Everything shown or otherwise indicated on a plan or submittal that is listed on the conditional use permit shall be considered to be a condition of approval. Construction shall not deviate from the stated conditions without approval of the modification by the Planning Board.~~

~~5.5.3 Requirements: The Board shall adopt appropriate Subdivision and/or Site Plan Review Regulation to ensure the affordability of any senior housing developments created under these ordinances. Such regulations shall require that any development comply with standard definitions of affordability set forth by federal Housing and Urban Development or New Hampshire Housing Finance Authority regulations/guidelines for affordable housing in NH. Such housing may be publicly or privately financed. Additionally, Any elderly housing developed under this section must be established and maintained in compliance with the Fair Housing Act, as amended, 42 U.S.C. Sec. 3601 et seq. and NH Human Rights Commission Regulations Hum 302.02 62 or Over Housing, 302.03 55 or Over Housing as may be amended.~~

~~5.5.4 Density: No minimum lot size shall be required per individual unit.~~

~~a. For any Affordable Senior Housing development that is served by on-site subsurface disposal systems, the number of senior housing units per acre shall be based on the number of bedrooms allowed under NH Department of Environmental Services Septic System Design Rules as shall be applicable on the date of subdivision or site plan application to the Planning Board, divided by the number of bedrooms per unit.~~

~~b. For any Affordable Senior Housing development that is served by public sewer and public water the number of elderly housing units shall be a maximum of 8 per acre.~~

~~c. Residential units shall be limited to no more than 2 bedrooms per unit.~~

~~d. The maximum number of units per building in an Affordable Senior Housing development shall be 6.~~

~~5.5.5 Setback to Wetlands: Within any Affordable Senior Housing development, the setback to wetlands shall be 50 feet.~~

~~5.5.6 Parking: Two (2) parking spaces per unit shall be provided on-site.~~

~~5.5.7 Setbacks: To interior subdivision lot lines for structures shall be 30 feet.~~

~~5.5.8 Setbacks: Between on-site structures shall be 25 feet.~~

~~5.5.9 Accessory Uses: Accessory Uses shall be allowed within limits, to provide services and support for the population of the development. Such uses shall not impact the abutting properties and shall be constructed in a fashion as to blend in with the senior housing development.~~

~~5.5.10 Regulations: The Planning Board as part of any subdivision and/or site plan review may modify setbacks to lot lines, interior on-site structures, and parking requirements upon appropriate findings by the Board.~~

~~5.5.11 Affordability Continuation Provisions: Every development seeking approval under this section shall provide the planning board with easements, covenants, or deed restrictions, which shall provide for the perpetual continuation of the affordability of all units. Said easements, covenants, or deed restrictions shall be reviewed by qualified legal counsel on behalf of the town (at the developer's expense) and approved by the planning board prior to the issuance of any permit.~~

*The Planning Board recommends this article by unanimous vote.*

**Article 11:** Are you in favor of the following amendment to the Town of Stratham Building Ordinance as proposed by the Planning Board?

To amend the Building Ordinance, Article XVI, by amending Section 16.2.1 in order to prohibit the issuance of building permits for a property if existing un-inspected or expired permits have been outstanding for a period of one year or more. This amendment would require property owners to address any outstanding safety issues related to previously issued building permits and allow for necessary inspections before a new building permit for the same property could be issued.

*16.2.1(a) Action on application. Permits shall not be issued when there is found to be previously issued and non-inspected permit(s) already issued for the property that have been outstanding for a period of one year or more. Only after inspections have been completed for the previously issued permit been completed, any outstanding safety issues successfully addressed to the satisfaction of the Building Inspector/Code Enforcement Official, and any outstanding fees owed to the Town paid, may a new permit for the same property be issued.*

*The Planning Board recommends this article by unanimous vote.*