

ELDERLY & MULTI-FAMILY HOUSING ORDINANCE

IV-1: 0 PURPOSE

To ensure reasonable and realistic opportunities are available for the construction of housing sufficient to meet the needs of all residents of the Town of Hampstead, this ordinance has been adopted to permit the development of quality affordable Elderly and Multi-Family Housing in Residential Zone A, subject to terms and conditions provided herein.

IV-1: 1 GENERAL PROVISIONS

A. MINIMUM TRACT REQUIREMENTS

To be eligible for application of this Elderly & Multi-Family Housing Ordinance a subject tract must enjoy a minimum contiguous land gross area of 10-acres with not less than 150-feet of contiguous frontage on a Class V or better public street.

B. PERMITTED USES

1. Multi-Family Residential Structures with a minimum of 3 and a maximum of 5 individual Dwelling Units per building. Individual Dwelling Units constructed under this option shall contain a maximum of two bedrooms.
2. One and Two-Family Residential Structures, configured under a zero-lot line layout, on a single-parcel of land under common ownership. Individual Dwelling Units constructed under this option shall contain a maximum of two bedrooms.
3. Elderly Housing. Age-restricted occupancy of One, Two and Multi-Family Residential Structures as described under Permitted Uses (1) and (2) above shall be permitted subject to compliance with the Federal Fair Housing Act, as amended (42 USC Section 3601, et seq.), the New Hampshire Elderly Housing Statute (RSA 354-A:15), and this Ordinance.
4. Accessory Recreational, Utility and Maintenance Structures and/or Support Facilities for the use, benefit and enjoyment of residents.

C. PERMITTING REQUIREMENTS

All proposals for construction of Elderly & Multi-Family Housing proposed under this Ordinance shall be subject to review and approval by the Planning Board under terms and conditions of the Hampstead Site Plan Review Regulations and Zoning Ordinance.

D. UTILITY ACCOMMODATIONS

Elderly & Multi-Family Housing proposed under this Ordinance shall be served by: (a) either a NHDES approved on-site water supply system, or service connection to a public water supply system operated by a New Hampshire Public Utilities Commission licensed Public Utility; and (b) one or more on-site NHDES approved wastewater disposal system(s).

E. VEHICULAR ACCESS AND CIRCULATION REQUIREMENTS

Vehicular access to Elderly & Multi-Family Housing dwellings shall be provided via an interior street or drive intersecting with a Class V or better public highway upon which the site enjoys frontage. All Interior streets and drives constructed within Elderly & Multi-Family Housing sites shall be: (a) planned, constructed and maintained as private ways in perpetuity; and (b) designed and constructed in compliance with applicable requirements of the Hampstead Site Plan Review Regulations.

IV-1: 2 DIMENSIONAL REQUIREMENTS

A. DWELLING UNIT DENSITY

Dwelling unit density on any tract or parcel shall be calculated in accordance with Soil-Based Lot Size provisions of this Ordinance (See Part II-1) in the following manner:

- Step 1: A Certified Soil Scientist shall prepare a High Intensity Soil Survey Map of the subject parcel(s).
- Step 2: In reliance on the resulting High Intensity Soil Survey Map and Table 1A (referenced at Part II-1: 5) calculate the overall density of lots available for development on the subject parcel in accordance with Part II-1: 1.D of this Ordinance.
- Step 3: Multiply the resulting lot density value calculated at Step 2 by 600 gallons per lot to determine maximum Daily Flow Volume of wastewater, or Maximum Lot Loading, in gallons per day (GPD), which may be disposed of on site.
- Step 4: Determine attainable dwelling unit density by dividing the Maximum Lot Loading value, calculated at Step 3, by the corresponding Unit Design Flow volume value specified under Part Env-Wq 1008.03(c) – Table 1008-1 of the New Hampshire Code of Administrative Rules. (As an example, the divisor value for a two-bedroom non-age restricted dwelling unit is 2.0 Bedrooms @ 150 GPD/Bedroom or 300 GPD).

B. MINIMUM DIMENSIONAL STANDARDS

1. Minimum Building Setback Dimensions: (a) Front: 100-feet; (b) Side and Rear: 50-feet.
2. Residential Buffering Requirements:
 - Apart from the construction of interior streets and drives providing access to a public street, installation of signs permitted under Part IV-4: 0 of this Ordinance, and/or construction of stormwater management, fire protection and utility improvements; no structures, parking or other permanent improvements shall be constructed or installed within 50-feet of the right-of-way of a public street.
 - A landscaped buffer, having a minimum horizontal dimension of 25-feet, shall be maintained or planted along all side and rear parcel boundaries.

3. Minimum Horizontal Building Separation Dimension: In instances where more than a single Multi-Family Residential Structure is planned on a single tract or parcel such structures shall be separated by horizontal distance of not less than 60-feet.
4. Maximum Building Height: 35-feet.

C. OPEN SPACE REQUIREMENTS

1. For the purposes of this Multi-Family & Elderly Housing Ordinance, Open Space shall be defined as land not occupied by buildings, pavement and/or other impervious surfaces.
2. Open Space consisting of woods, lawn or other suitably landscaped “green area” shall be maintained or installed over not less than 70-percent of the total parcel area. Not more than 50-percent of this required minimum Open Space or “green area” shall consist of wetlands and/or land having a natural slope of more than 25-percent.

D. ON-SITE PARKING REQUIREMENTS

1. A minimum of two on-site vehicular parking spaces shall be provided for each dwelling unit.
2. On-site parking spaces intended for use by residents of Elderly Housing shall be constructed at a location and grade convenient to each such dwelling unit.

IV-1: 3 OWNERSHIP, AGREEMENTS & RESTRICTIONS

A. OWNERSHIP

1. Individual Elderly & Multi-Family Housing Dwelling Units constructed under this Ordinance may be either: (a) owned, managed and made available to individual residents on a lease or rental basis by a landowner or business entity; or (b) offered for sale to individual owners under a condominium form of ownership, lawfully established in accordance with RSA 356-B (New Hampshire Condominium Act) and applicable requirements of the Hampstead Land Subdivision Regulations.
2. In the case of Elderly & Multi-Family Housing sites for which a condominium form of ownership is planned, all agreements, deed restrictions and organizational provisions for management and maintenance of common land, streets/drives, private utilities, support facilities and infrastructure shall be approved by the Planning Board as part of its site plan review function. Each condominium approved under this Ordinance shall have a condominium association, whose authority and obligation to collect from dwelling unit owners such assessments as are necessary to properly maintain common land, infrastructure and facility improvements situated thereon, is permanently guaranteed by a recorded declaration having form and content acceptable to Town Counsel.

B. AGREEMENTS & RESTRICTIONS - ELDERLY HOUSING

1. Each Elderly Housing proposal advanced under this Ordinance shall be subject to permanent covenants, of a form and content acceptable to Town Counsel, which compel compliance

with the Federal Fair Housing Act exemption for elderly residents and restricts dwelling unit occupancy to those aged 55-years and older.