

Workforce Housing Zoning Ordinance

VOTED BY THE PLANNING BOARD ON 1/27/2020 TO BE PLACED ON THE 2020 TOWN MEETING BALLOT

Article XVIII- Workforce Housing Overlay Zoning District – D R A F T

Section 1. Authority. This Article is adopted in accordance with RSA 674:21, Innovative Land Use Control, and RSA 675:1, II. This section of the Zoning Ordinance authorizes the Planning Board to grant a conditional use permit for Workforce Housing within the Workforce Housing Overlay Zoning District. The Planning Board shall be solely responsible for the interpretation and administration of this section, including the granting of all Conditional Use Permits relative thereto. Any decision made by the Planning Board under this Article may be appealed directly to the Superior Court as is specified in RSA 676:5, III and RSA 677:15.

Section 2. Purpose and Intent of this article is to:

- A. Provide for “workforce housing” as that term is defined in RSA 674:58;
- B. To allow for such workforce housing in multi-family dwellings at a unit density, served by municipal water and sewer, that it will support the construction of such housing, in an area of the Town that is in close proximity to the Town’s Residential Zoning District.

Section 3. The Workforce Housing Overlay Zoning District shall apply to the following lots in the Office Zoning District: the following on the West side of Route 16 to the South of Nimble Hill Road: Tax map lot 12-15, 12-16, and 12-13. All uses permitted in the underlying zoning district shall continue to be allowed uses.

Section 4. Conditional Use Permit Criteria.

The following general criteria shall be satisfied in order for the Planning Board to grant a conditional use permit:

- A. Granting the conditional use permit application would meet some public need.
- B. Granting the conditional use permit is in the public interest.
- C. The property in question is reasonably suited for the proposed use.
- D. The project makes appropriate provision for access to the property and for pedestrian safety to ensure public safety and avoid traffic congestion.
- E. The project shall be served by municipal water and sewer.

Section 5. Criteria for Evaluating Conditional Use Permit Applications.

The following specific criteria shall be used by the Planning Board in the evaluation of Workforce Housing Conditional Use Permit applications.

- A. The design of the site, to the extent practicable, preserves natural resources, open space, does not create a hazard to surface or underwater water resources, and minimizes non-point pollution.
- B. The application demonstrates that the project for which the Conditional Use Permit is sought does not impact the health, safety, and general welfare of the Town, and is otherwise in compliance with all requirements of the Zoning Ordinance, Site Plan Regulations and Subdivision Regulations, as applicable to the proposed project.
- C. The applicant has demonstrated that an alternative design for which dimensional relief is sought better achieves the objectives and characteristics of the Overlay District, while not diminishing surrounding property values or the ability of nearby parcels to develop in accordance with the applicable zoning district.
- D. At least 50% of the Workforce Dwelling Units shall have at least 2 bedrooms.
- E. The project shall be designed to provide a minimum of 75% of the units meeting the definition of “workforce housing” per RSA 674:58; no more than 25% of the project units shall be market rate housing units.
- F. All workforce units must be designed in such a way as to be indistinguishable (architecturally) from any “market rate” units included in the development.
- G. All workforce housing units must be completed and made available for sale or rental before (the larger of) the final 10% or the final 3 market-rate units are approved for occupancy within the development.
- H. Permitted multi-family density shall be dictated by the amount of available land area after deducting the requisite Open Space.
- I. The number of dwelling units in each building shall be determined by current fire, safety and building codes.
- J. Dimensional requirements:
 - 1. Minimum structure setbacks from the perimeter of the development lot shall be as follows: front-40 feet; side-35 feet; rear-30 feet.

2. The maximum building height shall be flexible, based on the recommendations of the building inspector and fire chief. No building shall exceed 3 stories.
 3. The development shall have a minimum frontage on a state highway or a Town road of at least one hundred feet (100') in the aggregate, which may consist of two (2) fifty foot (50') rights-of-way serving as access to the development lot.
 4. The dimensional and use standards set forth in this Article shall supersede the underlying zoning districts upon the granting of a conditional use permit.
- K. Open Space. No less than the 40% of the area calculated below shall be retained as unoccupied space free of buildings, parking and pavement, including street access, drives and walks paved with impervious materials (but such unoccupied open space may include so-called nature walk areas and other recreational uses approved by the Planning Board). Open space shall be owned by undivided interests appurtenant to lot ownership. Such open space shall either be maintained in its natural state (except for walking paths or other uses approved by the Planning Board) or shall have appropriate landscaping of grass, shrubbery, trees, flowers, or suitable ground cover indigenous to the area.
- L. Road design. Internal roads shall conform to the Town standards for roads in new subdivisions as required by the most recent version of the Town Subdivision Regulations.
- M. Perimeter buffer. A perimeter buffer to separate and screen incompatible land uses shall surround the development lot except where streets enter the lot. The buffer shall include a combination of physical space and vertical elements such as plants, berms, trees, fences or walls, as approved by the Planning Board.

Section 6. Dimensional Relief by Conditional Use Permit for Multi-Family Workforce Housing.

- A. The Planning Board may, through the granting of a Conditional Use Permit, adjust the standards of any dimensional requirement for workforce housing (for example, building height, setbacks, frontage, roads and driveways, unit density, open space or parking). Such adjustments shall not require a variance.
- B. The conditional use permit shall set forth all conditions of approval and shall clearly list all plans, drawings and other submittals that are part of the approval. Everything shown or otherwise indicated on a plan or submittal that is listed on the conditional use permit shall be considered a condition of approval. All representations made by the applicant or its representatives during the public hearing process shall be considered to be conditions of approval if such representations are accepted or otherwise relied upon by the Planning Board. Such site or subdivision plans submitted by the applicant and

approved by the Planning Board, as applicable, shall be signed by the Chairman of the Planning Board.

Section 7. Parking.

- A. Parking areas shall be designed in accordance with the parking requirements set forth in the zoning ordinance or site plan regulations, as applicable.
- B. No parking shall be located between the front lot line and the front plane of the building(s) closest to the existing Town or state road that provides access to the property.

Section 8. Conditions of Approval.

- A. Pursuant to RSA 674:21, II, the Planning Board is hereby authorized to grant Conditional Use Permits for Workforce Housing development projects as provided in this Article. In granting such permits, the Board may attach reasonable conditions, or waive or modify any of the requirements of this section, if specific circumstances relative to the proposal indicates that a waiver will properly carry out the spirit and intent of the ordinance.