

Complete the form by filling in the requested information and multiplying by the amount listed for each item. If an item does not pertain to your application, leave blank. Please refer to the current Fee Schedule (Appendix B of Site Plan and Subdivision Regulations) for complete fee information and applicability.
 Call (929-5913) or visit the Planning Office if you need assistance.

SECTION 1 - NOTIFICATION FEES		
Legal Notice Fee	\$50.00	\$
# Abutters & easement holders (If Aquifer--Aquarion noticed)	_____ x \$10.00 =	\$
# Owners & applicants	_____ x \$10.00 =	\$
# Professionals with stamp on plans or application	_____ x \$10.00 =	\$
TOTAL SECTION 1 =		\$

SECTION 2 - SITE PLAN FEES		
Site Plan Application Base Fee	Enter \$200 =	\$
Additional Fee for Non-residential (Maximum \$5,000)	square feet of floor area _____/1000 s.f. x \$100 =	\$
Additional Fee for Multi-family (Maximum \$5,000)	# new units _____ x \$200 =	\$
Amended Site Plan (No additional dwelling units or square foot floor area)	Enter \$200 =	\$
Optional Preliminary Conceptual Consultation	No Charge	
Optional Design Review	No Charge	
Plan Review (PRC) Process Fee	Enter \$100	\$
TOTAL SECTION 2 =		\$

SECTION 3 - SUBDIVISION FEES		
Lot Line Adjustment	Enter \$200 =	\$
Condominium Conversion	\$100 Base Fee, plus # units x \$100 =	\$
Other Subdivisions	Base Fee of \$100 if no new road or \$300 if new road, plus \$100 per lot =	\$
Optional Preliminary Conceptual Consultation	No Charge	
Optional Design Review	No Charge	
Plan Review (PRC) Process Fee	Enter \$100	\$
TOTAL SECTION 3 =		\$

SECTION 4 - OTHER FEES		
Wetlands Permit * (\$100 additional Fee Charged for After-the-Fact Permit)	Enter \$100 =	\$
Conditional Use Permit for Accessory Dwelling Unit * (\$100 additional Fee Charged for After-The Fact Permit)	Enter \$100 =	\$
School Impact Fee Waiver Request *	Enter \$100 =	\$
Parking Lot Review	Enter \$50 =	\$
Use Change Application	Enter \$50 =	\$
Driveway Permit Appeal Abutter Fee \$10.00 per Abutter		
TOTAL SECTION 4 =		\$
ADD TOTALS FROM SECTIONS 1 - 4		\$
<p><i>*Note - Applications are subject to the Notification Fees in Section 1 above.</i></p>		

ZONING ORDINANCE & BUILDING CODES OF THE TOWN OF HAMPTON, NH

1.4.4 Any property owner(s) granted a variance shall have a period of two years from the date of said grant to implement the terms of the variance, either by evidence of a use change or substantial (i.e. at least 20%) construction/alteration/renovation. Failure to do so shall result in the grant becoming null and void, unless the owner(s) applies for a one year extension. Such an application shall be subject to the same requirements as any other petition for a variance and shall be filed at least one month prior to the month of expiration.

Current owners of property upon which there is a variance not yet implemented shall have a period of two years from the date of passage of this provision to comply with the same terms set forth above for a new variance. Failure to do so shall result in the grant becoming null and void, unless the owner(s) applies for a one year extension. Such application shall be subject to the same requirements as any other petition for a variance and shall be filed at least one month prior to the month of expiration.

In the case of a variance which is relied upon by the owner of property in subsequently obtaining subdivision or site plan approval, that variance shall expire on the expiration of the subdivision or site plan approval. Current owners of property upon which there is a variance not yet implemented shall have the shorter of two (2) years or the period specified in the terms of the site plan and/or subdivision approval, unless an extension is granted by the Zoning Board of Adjustment for good cause shown. (Amended 1996)

Section 1.5 Planning Board - Site Plan Review

The Planning Board is empowered to review, and approve or disapprove site plans for the development of tracts for non-residential uses whether or not such development includes a subdivision or re-subdivision of the site. "Uses" shall be construed to apply to both initial construction and use changes. When uses are so subject to review and approval by the Planning board, procedures shall be in accordance with regulations and amendments governing the subdivision of land adopted by the Planning Board and approvals shall be subject to satisfactory compliance with the conditions set forth herein. All site plans approved by the Planning Board shall comply with RSA 674:39. (Amended 1986, March 2012)

Section 1.6 Definitions

Accessory Building: A non-habitable structure used in a manner as defined under Accessory Use. (Amended 2002)

* **Accessory Dwelling Unit:** A residential living unit that is within or attached to a single-family dwelling, and that provides independent living facilities for one to four persons, including provisions for sleeping, eating, cooking, and sanitation on the same parcel of land as the principal dwelling unit it accompanies. A residential living unit located within a detached structure that predates the enactment of Article III-A, and that is already detached from the principal dwelling unit shall also be considered an Accessory Dwelling Unit. (Adopted March 2017)

Accessory Use: A use which is customary, incidental and subordinate to the permitted use of the property. An accessory use must be minor in relation to the permitted use and bear a reasonable relationship to the primary use. Examples of traditional accessory uses and structures include garages, tool sheds, recreational facilities and outdoor pools. (Amended 1987, 2003)

ZONING ORDINANCE & BUILDING CODES OF THE TOWN OF HAMPTON, NH

ARTICLE III - USE REGULATIONS

Any use not specifically enumerated or defined in the following code is prohibited:

CODE

P – Permitted (Refer to Section 1.5. Permitted uses may require Site Plan, Subdivision, and/or Use Change approval by the Hampton Planning Board.)

X - Prohibited

S - Requires Special Exception from Hampton Zoning Board of Adjustment and Site Plan Review by the Hampton Planning Board (Amended 1985)

R - Permitted with Site Plan/Subdivision Review by Planning Board

B - Permitted by Building Inspector

NOTES (Adopted March 2015, Amended March 2016)

- (1) The Use Regulations set forth hereinafter for the BS Zoning District shall also apply to the BS1 Zoning District.
- (2) See Article II, Sections 2.3.3 and 2.3.4 for the Wetlands Conservation District Use Regulations.
- (3) See Article II, Section 2.5.4 for the Aquifer Protection District Use Regulations.
- (4) See Article II, Section 2.7C for the Professional Office / Residential District Use Regulations.
- (5) See Article II, Sections 2.8C, D, and E for the Town Center-Historic District Use Regulations.
- (6) See Article II, Section 2.8F for the Town Center-South District and Town Center-North District Use Regulations.
- (7) See Article XIX, Section 19.3 for the Transportation Corridor Overlay District Use Regulations.

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

RAA	RA	RB	RCS	B	BS	I	G
P	P	P	P	X	P	X	P

*(Amended 2017)

3.2 (Deleted 1991)

3.3 Two-family dwellings.*

RAA	RA	RB	RCS	B	BS	I*	G
X	X	P	P	P	P	X	P

*(Amended 1991)

ARTICLE III-A ACCESSORY DWELLING UNITS TO
SINGLE-FAMILY DWELLINGS (Adopted March 2017)

3-A.1 Location and Quantity

Accessory dwelling units, as defined in Section 1.6. Definitions, may be located only in those zones where single-family dwellings are permitted as set forth in Section 3.1, and only one accessory dwelling unit shall be permitted to accompany any single-family dwelling. Only lots with single-family dwellings used exclusively for residential purposes shall be permitted to have an accessory dwelling unit. No lot with more than one single-family dwelling or manufactured housing located upon it shall be eligible for an accessory dwelling unit.

3-A.2 Permits Required

- a) No accessory dwelling unit may be constructed within or added to any single-family dwelling (whether attached or detached) without a Conditional Use Permit having first been applied for and obtained from the Hampton Planning Board pursuant to RSA 674:21 and until a Building Permit therefor has been applied for and obtained under Article XI of the Hampton Zoning Ordinance and in compliance with the applicable provisions of Article XI of the Hampton Zoning Ordinance.
- b) An applicant proposing an accessory dwelling unit shall submit to the Hampton Planning Board a plan drawn to scale showing the proposed accessory dwelling unit, distances from the property lines, and required parking spaces. The applicant shall also submit exterior elevations and floor plans drawn to scale which show the interior layout of the proposed accessory dwelling unit.

3-A.3 Provisions for Living Facilities

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

3-A.4 Occupancy Requirements

- a) Owner occupancy of either the single-family dwelling unit or the accessory dwelling unit shall be required. The owner shall demonstrate, to the satisfaction of the Planning Board, that one of the units is his or her principal place of residence.
- b) No more than two persons may occupy each bedroom in the accessory dwelling unit.
- c) This ordinance is intended to offer additional permanent rental housing opportunities in the Town of Hampton without negatively impacting neighborhoods. In furtherance of these ends, an accessory dwelling unit or principal dwelling unit having an accessory dwelling unit shall not be rented out for less than six (6) months at a time.
- d) A Certificate of Rental Occupancy shall be required and kept current for the rental unit.
- e) Any use of the principal dwelling unit or the accessory dwelling unit for a home occupation or other business purpose is prohibited.

3-A.5 Site Location and Size

- a) Accessory dwellings must be attached to or contained within the principal, single dwelling unit (except as provided in Section 3-A.5c) with the attachment between them being an enclosed living space, but there shall be an interior door between the accessory dwelling unit and the principal dwelling unit.
- b) Where a dwelling structure of 3 or more stories in height is proposed to include an accessory dwelling unit above the second story, additional means of egress which do not require access to the primary dwelling unit shall be provided in accordance with the current Building Code. If an exterior staircase is constructed as a means of egress, it shall also meet the required setbacks from property lines for the zoning district in which it is located.
- c) Detached accessory dwelling units may only be permitted under Section 3-A.2 when they are to be located within a structure that predates the enactment of Article III-A and that is already detached from the principal dwelling unit.
- d) For detached accessory dwelling units, the existing foundation shall establish the footprint that meets the criteria outlined in Section 3-A.5c.
- e) Any accessory dwelling unit shall be no more than 800 square feet in size.
- f) An accessory dwelling unit shall be subject to all applicable provisions of the Wetlands Conservation District Ordinance, including but not limited to Section 2.3.7C regarding special minimum lot area, minimum lot area per dwelling unit, and setback requirements.

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

- a) An accessory dwelling unit shall be connected to the Town of Hampton Sewer System or to the private system that the principal dwelling unit utilizes legally. Construction of an accessory dwelling unit or its inclusion within an existing dwelling shall provide the proper design/construction of sewer services that are protected from freezing during the applicable months. All sewer connection and construction shall follow the Town of Hampton Sewer Ordinance and the wastewater development charge be paid prior to the issuance of a Building Permit. If the accessory dwelling unit is to be connected to a legal private system, it must be demonstrated to the Building Inspector that said private sewer system is rated and permitted with the Town or State of New Hampshire to handle the combined maximum occupancy load that will be generated by the principal dwelling and

the accessory dwelling unit. If neither the existing sewer service nor the private sewer system can handle and/or if either is not permitted under the requirements of the Town and the State of New Hampshire to handle, the additional flow, then the sewer service/private system shall first be permitted through the Town or the State of New Hampshire and then be reconstructed or upgraded at the expense of the lot owner to accommodate the sewage that would be generated by the combined maximum occupancy load. The Department of Public Works shall be notified of all accessory dwelling unit applications.

- b) The water source utilized by the principal dwelling unit shall also be utilized by the accessory dwelling unit and if the Aquarion Water Company of New Hampshire, Inc. (Aquarion) its successors and assigns, is the provider of water for the primary dwelling unit, then Aquarion shall be notified in advance of the addition of the accessory dwelling unit or its inclusion within the principal dwelling unit of the accessory dwelling unit and Aquarion's metering and connection requirements shall govern. Construction of an accessory dwelling unit or its inclusion within an existing dwelling shall provide the proper design/construction of water services that are protected from freezing during the applicable months.
- c) If the principal dwelling unit is served by a private drinking water well, it must be demonstrated to the Building Inspector that said private well is capable of providing sufficient water for the maximum occupancy loads for both the principal dwelling unit and the accessory dwelling unit, or a new well must be installed that will provide such sufficient water before the accessory dwelling unit is allowed to be added or incorporated into the principal dwelling. Construction of an accessory dwelling unit or its inclusion within an existing dwelling shall provide the proper design/construction of water services that are protected from freezing during the applicable months.

3-A.7 Dimensional Requirements

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

3-A.8 Sprinkler Systems

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

3-A.9 Condominium Conversion

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

3-A.10 Impact Fees

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

3-A.11 Removal of an Accessory Dwelling Unit

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

ARTICLE VI - PARKING

(Amended 1982, 1998, 2006, 2017)

Section 6.1

No building shall be erected or altered, or use change allowed, unless off-street parking facilities are provided in accordance with the minimum requirements set forth. No building permit will be issued until an off-street parking plan is approved by the appropriate authority. Certificates of Occupancy are prohibited until required parking facilities are completed. No off-street parking lots shall be allowed without Planning Board approval. Approval shall be recorded with the Rockingham County Registry of Deeds. The Applicant shall submit a written application and fees as determined by the Planning Board. (Amended March, 1998)

6.1.1 No off-street parking shall be required for any commercial building in the Business-Seasonal District south of 1st Street not providing sleeping quarters. For the Business-Seasonal District north of 19th Street, off-street parking shall be required for all buildings. (Amended 1991)

Section 6.2

Any construction, alteration or change of use which results in additional dwelling or rental units or intensification of use of a piece of property must provide off-street parking for all units and uses, including both existing and additional ones. In the case of mixed uses, the parking requirements shall be the sum of the individual uses, so that the parking for one use shall not be considered as providing the parking for any other use.

Section 6.3 Parking Requirements

* **6.3.1** Dwelling units (single, double, multi-family): Two spaces per dwelling unit and per each accessory dwelling unit plus one guest space per eight units.* (Amended March 2017)

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

6.3.2 Hotels/Motels shall provide one parking space for the first 330 square feet of sleeping room space. One additional space shall be provided for hotel sleeping rooms greater than 330 square feet. One additional parking space must be provided by hotels/motels for each sixteen (16) units as guest parking. Sleeping rooms in rooming houses: One space per sleeping room plus one guest space per sixteen units. (Amended 2007)

6.3.3 Professional, general office or service use: At least one space per 200 square feet. At site plan review or Use Change request, Planning Board may require more spaces, up to one per 50 square feet. (Amended 1987)

6.3.4 Retail business: One space per 300 square feet.

6.3.5 Clubs, restaurants, churches, or places of assembly: One space per three person capacity. For take-out restaurants with no seating for customers: three spaces plus one space per 200 square feet of building area. (Amended 1983; 1989)

ARTICLE VII - EXTERIOR DESIGN

Regulations for Exterior Design Appearance of Single, Double, or Multi-Family Dwelling erected in any housing development, including accessory dwelling units attached to single-family dwellings. (Amended March 2017)

*** Section 7.1**

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

It is the purpose of this section to prevent these and other harmful effects in the design and appearance of dwellings, either single, double, multi-family, or accessory dwelling units attached to single-family dwellings erected in any housing development in the same residential neighborhood and thus promote and protect the health, safety, morals and general welfare of the community. (Amended March 2017)

Section 7.2

Except as provided in this section, not more than one building permit shall hereafter be issued for any dwelling to be erected in a housing development consisting of two or more houses if it is substantially alike in exterior design and appearance with any neighboring dwelling situated on the same or opposite sides of the street within two hundred (200) feet of a dwelling then in existence of for which a building permit has been issued or impending. The distance herein specified shall be construed to mean the distance between the street property lines of the respective properties. Provided, however, that the uniformity in exterior design requirements of this article shall not apply to buildings containing more than five (5) dwelling or rental units. (Amended 1976)

Section 7.3

Houses within such specified distance from each other shall be considered uniform in exterior design and appearance if they have any of the following characteristics:

7.3.1 The same basic dimensions and floor plans are used without substantial differentiation of one or more exterior elevations, or

7.3.2 The same basic dimensions and floor plans are used without substantial change in orientation of the houses on the lots, or

7.3.3 The height and design of the roofs are without substantial change in design and appearance, or

7.3.4 The size, type and location of windows and doors in the front elevation are without substantial differentiation.

ZONING ORDINANCE & BUILDING CODES OF THE TOWN OF HAMPTON, NH

Section 7.4

In addition to the requirements specified above, there shall be not less than three (3) separate basic house designs in every housing development consisting of eight (8) or more houses, and not less than five (5) basic house designs where there are fifteen (15) or more houses.

* **Section 7.5**

To insure conformity with the provisions of the section, no building permit shall hereafter be issued for more than one dwelling in any housing development, except as provided in subsection 7.6, until an engineer's survey or architect's drawing of the entire tract, or part to be developed, has been submitted to the Building Inspector showing thereon or on a schedule attached thereto, the model number, type and design of each house, with the proper street and lot numbers for each house. The survey or drawing shall show the dimensions of each house, its exact location on the lot with setbacks and width or depth of all yard spaces. In the event of subsequent desired changes in basic design, size or location of a house in such a tract, including the addition of an accessory dwelling unit attached to a single-family dwelling a revised plan and application therefor shall be filed and approved before such work is started. (Amended March 2017)

Section 7.6

To insure further conformity with the provisions of this section, in respect to new subdivisions for the purpose of a housing development, the Planning Board of the Town of Hampton may, at its discretion, require a performance bond, and an affidavit or a performance guarantee, that the subdivision will be developed as a whole so that the intent and purpose of this section will be satisfied.

Section 7.7

All site plans for Commercial, Multi-Family and Industrial buildings shall be accompanied by an architect's rendering or facsimile. The Planning Board may reject the proposed site plan if in the opinion of the Planning Board the exterior design is not in keeping with the character of the neighborhood or the town or, if in the Board's opinion, the proposed design will be injurious to the neighborhood or town.

* **Section 7.8** (Adopted March 2017)

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

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