

1 **Warrant Article XX.** Amend Town of Stratham Zoning Ordinance Section 3.6 Table of Uses,  
 2 Section 5.8 Elderly And/Or Workforce Affordable – Multi-Family Housing, Section 8.1.9, 8.4  
 3 General Requirements in conformance with the revised New Hampshire Statutes Annotated  
 4 674:58-61, and related text changes for clarification and consistency with said Statutes  
 5

6 **Amend Section 3.6 by adding the underlined language and renumbering accordingly to**  
 7 **read as follows:**  
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USES:	R/A	MAH	PRE	TC	GCM	SC	CLIO	IND
<b>A. RESIDENTIAL USES:</b>								
1. Single-Family Dwelling.	P	P	P	P	X	X	X	X
2. Two-Family Dwelling.	P	P	P	P	S	S	X	X
<u>3. Multi-Family Dwelling in accordance with Section 5.8 of this ordinance.</u>	X	X	C	C	C	C	C	X
43. 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	C	C	C	X	X
<del>54. Multi Family Housing in accordance with Section 5.8 Elderly/Workforce Affordable (3/05) Workforce and Elderly Affordable Housing in accordance with Section 5.8 of this ordinance.</del>	<del>X</del> C	X	C	C	C	C	C	X
<del>65. Manufactured Housing;</del>	<del>P</del>	<del>P</del>	<del>X</del>	<del>X</del>	<del>X</del>	<del>X</del>	<del>X</del>	<del>X</del>
Mobile Homes; in accordance with Section IX of this Ordinance.	X	P	X	X	X	X	X	X
<del>76. Home Occupations in accordance with Section 2.1.27. (Rev. 3/91)</del>	<del>S</del>	<del>S</del>	<del>S</del>	<del>X</del>	<del>X</del>	<del>X</del>	<del>X</del>	<del>X</del>
87. Accessory Apartments in accordance with Section 5.4. (Rev. 3/90 & 3/05)	S	S	S	S	X	X	X	X

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1 **Replace Section 5.8 by inserting the underlined language to read as follows:**

2 Section 5.8 MULTI-FAMILY, WORKFORCE HOUSING, AND ELDERLY  
3 AFFORDABLE HOUSING

4 5.8.1 Authority and Purpose

5 This section is enacted pursuant to the requirements of N.H. R.S.A. 674:58-61, which  
6 requires municipalities to provide reasonable and realistic opportunities for the  
7 development of workforce housing, as defined by N.H. R.S.A. 674:58, IV, including  
8 rental and multi-family housing. The purpose of this section is to fulfill Stratham's  
9 requirements to provide reasonable and realistic opportunities for multi-family and  
10 workforce housing in order to meet its fair share of the current and reasonably  
11 foreseeable need for such housing. At the same time, the Town enacts this section to  
12 assure that any such housing meets reasonable standards and conditions for approval  
13 related to environmental protection, water supply, sanitary disposal, traffic safety and fire  
14 and life safety protection.

15 5.8.2 Definitions

- 16 a. "Affordable" - Housing with combined rental and utility costs or combined mortgage  
17 loan debt services, property taxes, and required insurance that do not exceed thirty  
18 (30%) percent of a household's gross annual income.
- 19 b. "Multi-Family Housing" - Any structure containing three (3) or more residential  
20 units, each designed for occupancy by an individual household;
- 21 c. "Workforce Multi-Family Housing" - For the purpose of workforce housing  
22 developments, means a building or structure containing five (5) or more dwelling  
23 units, each designed for occupancy by an individual household.
- 24 d. "Elderly Affordable Housing":
- 25 i. Housing which is intended for sale and which is affordable to households whose  
26 head or spouse or sole member is elderly with an income no more than ninety  
27 (90%) percent of the median income, applicable to Stratham, as published  
28 annually by the United States Department of Housing and Urban Development  
29 (HUD);
- 30 ii. Rental Housing which is affordable to households whose head or spouse or sole  
31 member is elderly with an income no more than fifty (50%) percent of the median  
32 income, applicable to Stratham, as published annually by the HUD.
- 33 e. "Workforce Housing": Workforce housing developments may consist of:
- 34 i. Housing which is intended for sale and which is affordable to a household with an  
35 income of no more than one hundred (100%) percent of the median income for a  
36 4-person household for counties and metropolitan areas of the State of New  
37 Hampshire, applicable to Stratham, as published annually by the HUD;
- 38 ii. Rental housing which is affordable to a household with an income of no more  
39 than sixty (60%) percent of the median income for a 3-person household for  
40 counties and metropolitan areas of the State of New Hampshire, applicable to  
41 Stratham, as published annually by the HUD. Housing developments that exclude

1 minor children from more than twenty (20%) percent of the units, or in which  
2 more than fifty (50%) percent of the dwelling units have fewer than two (2)  
3 bedrooms, shall not constitute workforce housing for the purposes of this article.

4 f. The terms “workforce housing” and “affordable housing” are used interchangeably  
5 throughout this Ordinance.

6 5.8.3 Permissible Locations:

7 Workforce and Elderly Affordable housing developments shall be permitted within the  
8 Residential/Agricultural (R/A), Professional Residential (PRE), Town Center (TC),  
9 General Commercial (GCM), Commercial/Light Industrial/Office (CLIO), and Gateway  
10 Commercial Business District (GCBD) zones by Conditional Use Permit issued by the  
11 Stratham Planning Board. Workforce housing developments located within the  
12 Residential/Agricultural Zone shall be limited to lots greater than five (5) acres in size.

13 Multi-Family Housing shall be permitted within the Professional Residential (PRE),  
14 Town Center (TC), General Commercial (GCM), Commercial/Light Industrial/Office  
15 (CLIO), and Gateway Commercial Business District (GCBD) zones by Conditional Use  
16 Permit issued by the Stratham Planning Board. The Planning Board may grant a  
17 Conditional Use Permit for an accessory development of multi-family housing to any  
18 approved site plan for office or commercial development and shall adhere to all  
19 provisions of the Stratham Zoning Ordinance unless preempted by the provisions below.

20 5.8.4 Procedural Requirements:

21 Any applicant who applies to the Planning Board for approval of a development that is  
22 intended to qualify as a workforce housing under this section shall follow the Town’s  
23 application procedures for a site plan and/or subdivision approval as defined in the  
24 Town’s Site Plan and/or Subdivision Regulations. The applicant shall also provide with  
25 the initial application(s), a statement of intent for the development to qualify as  
26 workforce housing per R.S.A. 674:60. Failure to file such a statement of intent at the time  
27 of submission of the initial application to the Planning Board shall constitute a waiver of  
28 the applicant’s appeal rights under N.H. R.S.A. 674:61, but shall not preclude an appeal  
29 under other applicable laws.

30 5.8.5 Development Density:

- 31 a. There shall be no minimum lot size required per individual unit.
- 32 b. For any housing development pursuant to this section that is served by onsite  
33 subsurface disposal systems, the number of bedrooms of housing units shall be based  
34 on the number of bedrooms allowed under NH Department of Environmental  
35 Services Septic System Design Rules (including when calculated with the existing or  
36 proposed office or commercial uses) and shall be applicable on the date of site plan  
37 and/or subdivision application to the Planning Board and as may be determined under  
38 Section XX (Sanitary Protection & Septic Ordinance) of these regulations.
- 39 c. For any housing development pursuant to this section that is served by public sewer  
40 or public water, the number of housing units shall be ten (10) per acre.
- 41 d. The maximum number of units per building in a housing development pursuant to  
42 this section shall be eight (8) units.

1 5.8.6 Requirements for Multi-Family, Workforce and Elderly Affordable Housing  
2 Developments:

3 Housing developments pursuant to this section adhere to all provisions of the Stratham  
4 Zoning Ordinance unless preempted by the provisions below.

5 a. General Requirements:

- 6 i. Single-family, duplexes, and multi-family can qualify as workforce and/or  
7 elderly affordable housing;
- 8 ii. Dwelling units qualifying as workforce housing shall be compatible in  
9 architectural style and exterior appearance with the market rate dwellings of  
10 similar type in the proposed development. When possible, the workforce  
11 housing units should be interspersed throughout the overall development and not  
12 concentrated in a separate area of the development;
- 13 iii. Housing shall be so designed as to provide minimal impact to a site, complement  
14 and/or be accessory to any other existing or proposed uses on the site;
- 15 iv. Any housing shall be buffered in such a way as not to adversely impact any  
16 abutting single-family residential uses;
- 17 v. Housing may be developed on the same lot as an approved commercial or office  
18 use as a stand-alone structure or structures;
- 19 vi. Housing developed as upper story units over an allowed commercial or office use  
20 is encouraged;
- 21 vii. The total square footage of the residential units shall not exceed 80% of the total  
22 square footage of the existing or proposed commercial or office use;
- 23 viii. Any residential development proposed under this section shall provide that not  
24 less than 50% of the residential units for sale or rent shall be determined to be  
25 workforce or elderly affordable housing as defined 5.8.2 as set forth above;
- 26 ix. Units constructed under an incentive for workforce and/or elderly affordable  
27 housing must be finished in their entirety and may not be expanded in a manner  
28 which will exceed the income/resale cap established by this Section and  
29 applicable published income data. This limitation shall be noted on any Site or  
30 Subdivision Plan and included as a deed restriction in all conveyances; and
- 31 x. During construction of an approved development qualifying as workforce a  
32 and/or elderly housing, the developer must maintain at least the proportionate  
33 share of affordable units proposed as a percentage of total units during the build-  
34 out phase.

35 b. Design Requirements:

36 i. Setbacks:

- 37 1. Setback to Wetlands: Within any housing development pursuant to this  
38 section, the setback to wetlands shall be 50 feet;
- 39 2. Setbacks: To interior subdivision lot lines for structures shall be 30 feet;

- 1           3. Setbacks: Between on-site structures shall be 25 feet;  
2           ii. Parking: Two (2) parking spaces per unit shall be provided on-site;  
3           iii. Accessory Uses: Accessory Uses shall be allowed within limits, to provide  
4           services and support for the population of the development. Such uses shall not  
5           impact the abutting properties and shall be constructed in a fashion as to blend in  
6           with the senior housing development; and  
7           iv. The Planning Board as part of any subdivision and/or site plan review may  
8           modify setbacks to lot lines, interior on-site structures, and parking requirements  
9           upon appropriate findings by the Planning Board.

10 5.8.7 Density Bonus Incentives:

- 11           a. Affordable Housing Sales: A density bonus of fifteen (15%) percent above the  
12           standard density, (and above any other density bonus awarded under other provisions  
13           of the Stratham Zoning Ordinance), will be allowed for developments that guarantee:  
14           i. Twenty (20%) percent or more of the total number of units proposed within the  
15           development, including all units allowed by density bonuses under any section of  
16           the Stratham Zoning Ordinance, shall be affordable as defined in Section 5.8.2(a);  
17           ii. Fifteen (15%) percent or more of the units constructed will be sold at initial sale  
18           for a price that can be afforded by a household with an income of no more than  
19           one hundred (100%) percent of the median income for a 4-person household for  
20           counties and metropolitan areas of the State of New Hampshire, applicable to  
21           Stratham, as published annually by the United States Department of Housing and  
22           Urban Development; and  
23           iii. Five (5%) percent or more of the units constructed will be sold at initial sale for a  
24           price that can be afforded by a household with an income of no more than eighty  
25           (80%) percent of the median income for a 4-person household for counties and  
26           metropolitan areas of the State of New Hampshire, applicable to Stratham, as  
27           published annually by the United States Department of Housing and Urban  
28           Development; and  
29           c. Affordable Housing Rentals: A density bonus of fifteen (15%) percent above the  
30           standard density, (and above any other density bonus awarded under other provisions  
31           of the Stratham Zoning Ordinance), will be allowed for developments that guarantee:  
32           i. Twenty (20%) percent or more of the total number of units proposed within the  
33           development, including all units allowed by density bonuses under any section of  
34           this Ordinance, shall be affordable as defined in Section 5.8.2(a);  
35           ii. Fifteen (15%) percent or more of the units constructed will be rented for a price  
36           that can be afforded by a household with an income of no more than one hundred  
37           (100%) percent of the median income for a 4-person household for counties and  
38           metropolitan areas of the State of New Hampshire, applicable to Stratham, as  
39           published annually by the United States Department of Housing and Urban  
40           Development;  
41           iii. Five (5%) percent or more of the units constructed will be rented for a price that

1           can be afforded by a household with an income of no more than sixty percent  
2           (60%) of the median income for a 4-person household for counties and  
3           metropolitan areas of the State of New Hampshire, applicable to Stratham, as  
4           published annually by the United States Department of Housing and Urban  
5           Development; and

- 6           c. Density Bonus Cap: The density bonuses set forth above as incentives for the  
7           development of affordable housing are not cumulative of each other, and no project  
8           shall receive more than a fifteen (15%) percent overall density bonus based on  
9           affordability.

10 5.8.8 Administration of Units – Sales or Rentals:

- 11           a. In the event of a unit sale or transfer of an owner-occupied unit, the buyer will be  
12           certified for income eligibility under this section by an agency with expertise  
13           acceptable to the Town, prior to the sale or transfer. A copy of said certification will  
14           be provided to the seller.
- 15           b. In the event of a rental or renewal of an affordable rental unit, the renter will be  
16           certified for income eligibility under this section by an agency with expertise  
17           acceptable to the Town, prior to the rental or renewal. A copy of said certification  
18           shall be provided to the landlord. Rental units cannot be sub-let to a third party by the  
19           current renter of record.
- 20           c. In the event rental units are sold, the requirements set forth in Section 5.8.9(a),  
21           pertaining to deed restrictions and recorded housing agreements, will apply.
- 22           d. A certification fee will be charged for each sale, transfer or rental term for a unit. The  
23           fee will be paid by the purchaser or renter of the unit, as designated by the Town.
- 24           e. A third party non-profit or for-profit organization or property management entity  
25           shall be responsible for income verification and ongoing affordability compliance.  
26           The designated organization or company shall provide appropriate reports to the  
27           Planning Board on these two issues when necessary. The Planning Board may adopt  
28           regulations to aid in the implementation and administration of Section 5.8 pertaining  
29           to workforce housing developments.

30 5.8.9 Affordability:

- 31           a. Units will be sold with deed restrictions and a recorded housing agreement, in a form  
32           satisfactory to the Planning Board, that limits, for a period of thirty (30) years  
33           renewable upon sale or transfer, the resale value of the unit to not more than the  
34           purchase price multiplied by a factor of 1, plus the percentage increase in median  
35           income from the year of initial occupancy until the year in which the unit is resold,  
36           plus the cost of property improvements, other than normal maintenance, made by the  
37           owner.
- 38           b. Units will be rented with deed restrictions and a recorded housing agreement, in a  
39           form satisfactory to the Planning Board, that limits, for a period of thirty (30) years,  
40           renewable upon each rental, the rental price for each unit to an affordable price as  
41           determined by the formula set forth above in Section 5.8.2(d)(ii) updated to the year  
42           in which the subsequent tenant assumes occupancy, unless no such tenant is found

1 after a sixty (60) day good faith effort. Total gross rent to be charged to subsequent  
 2 tenants shall not exceed the gross rent at the time of initial occupancy times a factor  
 3 equal to 1 plus the percentage increase in the median area income, updated to the  
 4 year in which the subsequent tenant occupies the unit.

#### 5 5.8.10 Annual Report

6 The owner of a project containing affordable units for rent shall prepare an annual report  
 7 certifying that the gross rents of affordable units and the household incomes of tenants of  
 8 affordable units have been maintained in accordance with the income restrictions set forth  
 9 in this Section. Such reports shall be submitted to the Planning Board or its designee, and  
 10 shall list the contract rent and occupant household incomes of all affordable units for the  
 11 calendar year, and the dates of initial occupancy for each household. Failure to file a  
 12 complete report with sworn certification by the owner shall be considered a violation of  
 13 the Stratham Zoning Ordinance.

14  
 15 **Amend Section 8.1.9 and 8.4 by deleting the stricken language and adding the underlined**  
 16 **language to read as follows:**

#### 17 Section 8.1.9(e)

18 To encourage the development of diverse and affordable housing, the following bonuses  
 19 for elderly and workforce affordable housing may be granted:

- 20 1. If the project is developed as an Elderly Housing Development and no less than 20%  
 21 of the units are provided as elderly affordable as defined in these regulations, a  
 22 density bonus of 10% shall be awarded. If 50% or more of the units are offered as  
 23 affordable, a 25% density bonus shall be granted. In addition multi-family units as  
 24 defined under section ~~8.4.1-A:2~~ 8.4.1(b), may be permitted to be increased up to a  
 25 unit count of 6 per building or structure.
- 26 2. If under NH RSA 674:21-k Innovative land Use Controls, Inclusionary Zoning and  
 27 NH RSA 674:59 Workforce Housing Opportunities, the project provides for at least  
 28 20% of the units as workforce affordable, the board shall grant a density bonus of  
 29 10%. In addition multi-family units as defined under section ~~8.4.1-A:2~~ 8.4.1(b), may  
 30 be permitted to be increased up to a unit count of 6 per building or structure.

#### 31 Section 8.1.9(e)(4) through (6)

32 ~~In order to implement this section, the following additional conditions and definitions~~  
 33 ~~shall be used:~~

#### 34 ~~4. Workforce Affordable~~

- 35 ~~i. Rental Housing — Housing affordable to households with incomes up to 80% of~~  
 36 ~~the Area Median Income.~~
- 37 ~~ii. Ownership Housing — Housing affordable to households with incomes up to~~  
 38 ~~120% of the Area Median Income.~~

#### 39 ~~5. Elderly Affordable~~

- 1           i. ~~Rental Housing—Housing affordable to households with incomes up to 50% of~~
- 2           ~~the Area Median Income.~~
- 3           ii. ~~Ownership Housing—Housing affordable to households with incomes up to 90%~~
- 4           ~~of the Area Median Income.~~
- 5           6. ~~Income limits shall be determined through the HUD/New Hampshire Housing~~
- 6           ~~Finance Authority Comparison of Area Rent Limits and Area Income Limits, for the~~
- 7           ~~Portsmouth—Rochester PMSA.~~
- 8           4. Any applicant seeking approval of a development that is intended to qualify as a
- 9           workforce and/or elderly affordable housing under this section shall adhere to the
- 10           definitions and conditions stated in Section 5.8.2.

11  
12       **Section 8.4.1(b)**

13       Multi-family Units: Shall be permitted up to a unit count of 4 per building or structure.  
14       For the purpose of workforce housing developments, multi-family means a building or  
15       structure containing five (5) or more dwelling units, each designed for occupancy by an  
16       individual household. These are units that are structural joined and share walls with no  
17       yard between units.  
18