Chapter ZO. Zoning Ordinance

ARTICLE II. DISTRICTS

Section 2.8. Town Center District.

[Adopted March 2014]

A. Purpose.

The Purpose of this district is to encourage the development and re-development of Hampton town center in keeping with its historic development pattern, including the size and spacing of structures and open spaces. Such development shall:

- Be designed for residents'/guests' enjoyment, safety and adequate accessibility;
- Provide a mix of uses;
- Encourage amenities including options for pedestrians and bicyclists, including safe crosswalks, sidewalks, attractive alleyways and lighting, and landscaping;
- Retain existing buildings with historical features or architectural features that enhance the visual character of the community; and
- Provide a safe and aesthetic environment for vehicular travel.

The provisions that follow will be used in conjunction with other zoning regulations adopted by the Town and the site plan review and subdivision regulations adopted by the Planning Board to encourage appropriate and consistent patterns of town center development.

B. Applicability.

The standards within this section are applicable within the Town Center District whose location is consistent with the Vision and Goals of the Hampton Master Plan. This district is generally consistent with the current Business District along Lafayette Road extending generally from the NH Route 101 interchange to Ann's Lane. The specific boundary can be determined from the Town of Hampton Zoning Map, April 1, 2009 as amended by the mapping of the Town Center Zoning District dated January 29, 2014, which repeals those portions of the B, I, POR and RA zoning districts lying within the Town Center District and reassigns same to the Town Center-South District (TC-S), Town Center-Historic District (TC-H) and Town Center-North District (TC-N).

Town Center District

Within the Town Center District there are three districts:

- The Town Center-South District (TC-S), which includes the area generally along Lafayette Road from NH Route 101 to just north of the Winnacunnet Road intersection.
- The Town Center-Historic District (TC-H), which includes the area generally along La-

fayette Road from just north of the Winnacunnet Road intersection to the Rice Terrace intersection.

- The Town Center-North District (TC-N), which includes the area generally along Lafayette Road from Rice Terrace to the Ann's Lane intersection.

C. Permitted Uses in Town Center-Historic District. The following uses are permitted in the Town Center-Historic District.
[Amended 2015; 2018; 2021; 2022; 2024]

1. Apartments up to two units per building above non-residential use;

2. Convenience stores;

3. Pharmacies;

4. Cafés (including cyber-cafés);

5. Art galleries;

6. Grocery or neighborhood convenience stores, excluding the sale of motor vehicle fuels;

7. Business and professional offices;

8. Retail sales and services (see Note 4);

9. Banks;

10. Personal services establishments (as defined in Section 1.6);

11. Restaurants, except the use of drive-up windows;

12. Bed & Breakfasts establishments;

13. Hotels;

14. Outdoor seating associated with restaurants or cafés subject to applicable licensing/permitting requirements;

15. Artist's residential and/or work space establishment;

16. Mobile Food Service Vendors on Private Property (in accordance with Section 3.49);

17. Day care establishments for no more than three children; and

18. Conditional uses as set forth below.

Notes:

1. Any use not specifically enumerated above is deemed to be prohibited in this District.
2. Permitted uses may require Site Plan and/or Subdivision approval by the Hampton Planning Board in accordance with Section 1.5 of the Zoning Ordinance.
3. Any use change which, in the opinion of the Building Inspector or the Town Planner, requires Planning Board approval in order to safeguard the health, welfare, convenience and safety of Hampton's citizens and recreational guests shall require Use Change Approval.
4. The following retail uses are prohibited in this District:
    a. Martial Arts Weapons, as defined in Section 3.46
    b. Firearms and ammunition sales

c. A business selling accessories intended for tobacco use, where more than 15% of the total display, shelf, rack, table, stand, or floor area is devoted to such accessories.

D. Conditional Uses in the Town Center-Historic District. The following uses are classified as conditional uses and shall adhere to the dimensional and design standards of this Section. These uses may be permitted by the Planning Board if they comply with the Conditional Use Standards of Subsection **E**.

1. Multi-family dwellings above non-residential use (also see Article **VIII**);

2. Family day care; and

3. Group day care.

E. Conditional Use Standards. The Planning Board may issue a conditional use permit approving uses in Subsection **D** provided the Planning Board determines the following conditions are met.

1. The use is specifically authorized in this ordinance as a conditional use;

2. If completed as proposed by the applicant, the development in its proposed location will comply with all requirements of this Article, and with the specific conditions or standards established in this ordinance for the particular use;

3. The use will not materially endanger the public health, safety, or welfare;

4. The use will be compatible with the neighborhood and with adjoining or abutting uses in the area in which it is to be located;

5. Architecture and landscape design shall further the purposes set forth in Subsection **A** above and comply with the Design Standards in the Town of Hampton Subdivision and Site Plan Review Regulations;

6. The use will provide an environment to ensure both vehicular and pedestrian safety;

7. The use will be compatible with the natural, environmental, and historic resources of the town; and

8. The use will be adequately serviced by necessary public utilities and by community facilities and services of a sufficient capacity to ensure the proper operation of the proposed use, and will not necessitate excessive public expenditures to provide facilities and services with sufficient additional capacity.

F. Permitted Uses in the Town Center-South and Town Center-North Districts. The following uses are permitted in Town Center-North and Town Center-South Districts:
[Amended 2015; 2018; 2020; 2021; 2022; 2024]

1. Two-family dwellings.

2. Bed & Breakfast establishments.

3. Retail Sales.

4. Lodging houses.

5. Multi-family dwellings (also see Article **VIII**).

6. Private schools.

7. Outdoor recreation facilities.

8. Farm buildings.

9. Public Utility Buildings.

10. Accessory Uses.

11. Banks.

12. Professional Offices.

13. Theaters.

14. Health Clubs.

15. Personal services establishments (as defined in Section 1.6).

16. Restaurants.

17. Warehouses.

18. Domestic pet grooming shops.

19. Motor vehicle repair & filling stations.

20. Parking facilities.

21. Manufacturing incidental to a business.

22. Health care facilities.

23. Day care for 3 or less children.

24. Dwelling unit with business.

25. Family and Group day care.

26. Auto Dealers.

27. Mobile Food Service Vendors on Private Property (in accordance with Section 3.49).

28. Alternative Treatment Center: Non-Cultivation Location (as regulated by the State of New Hampshire (RSA 126-X)) *Town Center-North District only*

Notes:

1. Any use not specifically enumerated above is deemed to be prohibited in this District.
2. Permitted uses may require Site Plan and/or Subdivision approval by the Hampton Planning Board in accordance with Section 1.5 of the Zoning Ordinance.
3. Any use change which, in the opinion of the Building Inspector or the Town Planner, requires Planning Board approval in order to safeguard the health, welfare, convenience and safety of Hampton's citizens and recreational guests shall require Use Change Approval.

G. Dimensional Standards.
[Amended March 2015]

Table 1

	Type	Town Center Historic[4]	Town Center South	Town Center North
G.1.1	Minimum lot area[3]	5,000 sf	7,500 sf	7,500 sf
G.1.2	Minimum frontage	50 ft	100 ft	100 ft
	Minimum setbacks			
G.1.3	Front	10 ft	10 ft	10 ft
G.1.4	Side[1]	5 ft	7 ft	7 ft
G.1.5	Rear[1]	5 ft	7 ft	7 ft
G.1.6	Maximum number of stories/feet[2]	3 stories-35 ft	3 stories-35 ft	3 stories-35 ft
G.1.7	Maximum amount of sealed surface per lot, including but not limited to driveways, parking lots, and roofs[3]	75%	75%	75%
G.1.7a	Maximum amount of sealed surface per lot in the Groundwater Protection District[3]	40%	40%	40%
G.1.8	Minimum lot area per dwelling unit[3]	None	5,000 sf	5,000 sf
G.1.9	Minimum square footage per dwelling unit	400 sf	400 sf	400 sf
G.1.10	Maximum number of dwelling units per structure	8	8	8

Notes:

1. When lot abuts a Residential Zone, Side and Rear Setbacks shall be 25 feet.
2. Building Height shall be measured in accordance with Article **I**, Section 1.6 of this Zoning Ordinance. Also see Article **IV**, Footnote 27.
3. Exceptions to the sealed surface percentage allowed in accordance with Article **IV**, Footnotes 30, 31, 35, and 36 of this Zoning Ordinance.
4. The Planning Board may issue a Conditional Use Permit for any applicant proposing a development or redevelopment on any lot greater than one acre in the Town Center-Historic District with multiple buildings. Such proposal must meet all of the following requirements:
    a. the building footprint of any one building does not exceed 7,500 sf;
    b. there is adequate space to meet parking and landscape requirements and all other dimensional requirements in Table 1 are satisfied;
    c. there is adequate space for a private access road; and
    d. all other applicable building design standards and site plan review standards are met.

Furthermore, any applicant proposing a development involving multiple buildings shall first present to the Planning Board a Conceptual Site Plan in sufficient detail to allow the Board to make a preliminary judgment as to the plan's compatibility with the Town's land use regulations.

H. Parking.

1. New construction resulting in additional square footage or an increase in residential units must comply with the parking standards as per in accordance with Article VI-Parking of the Hampton Zoning Ordinance. In addition, parking spaces provided on-site must be:

   a. Located to the side or rear of the subject building lot;

   b. Screened from the street and adjacent properties; and

   c. In compliance with the Landscape Standards in the Town of Hampton Site Plan Review Regulations.

2. In order to facilitate village-like uses on smaller lots in the Town Center District, exemptions from the off-street requirements may be granted through the obtaining of a conditional use permit as referenced in Subsection **E** above from the Planning Board provided that the owner/applicant documents that available non-public parking spaces are located off-site and secured as approved by the Planning Board.
   [Amended March 2015]

I. Building Standards. Any development or redevelopment within the Town Center District will be consistent with the purposes set forth in Subsection **A** above and will be subject to the design standards in the Town of Hampton Subdivision and Site Plan Review Regulations adopted by the Planning Board.

J. Signs. Signs within the Town Center District shall be governed by the provisions of Article **V** of the Zoning Ordinance and adhere to the requirements for the Business (B) District in Tables 1 and II of said Article **V**, and comply with the design standards in the Town of Hampton Subdivision and Site Plan Review Regulations adopted by the Planning Board.