

Proposed Zoning Amendments
ELDERLY MIXED-HOUSING DEVELOPMENTS
April 24, 2014

**The Planning Board made a few changes to the prior draft which are incorporated here. The Planning Board set a public hearing for May 14, 2014 for this draft.*

Also, see the proposed changes to the Table of Uses and Table of Dimensions.

Proposed new language/provisions from the existing zoning ordinance are shown in this manner.

ARTICLE II
DEFINITIONS

ELDERCARE FACILITY – Housing principally used, designed, or adapted for use by elderly citizens, fifty-five (55) years of age and older that are or are not capable of living independently and that that require assistance in activities of daily living (ADL’s), and complying with the design requirements of the Architectural Barrier Free Design Code for the State of New Hampshire. Residents of an eldercare facility shall receive a package of services to meet their needs. An “eldercare facility” may be contained in a single building or group of buildings and may include assisted living facilities or nursing home facilities. A “life care community” or other retirement community that provides a continuum of care including both independent living units and units for residents that require assistance, shall be considered to be an eldercare facility.

ELDERLY HOUSING – Housing principally used, designed or adapted for use by elderly citizens, fifty-five (55) years of age and older who are capable of living independently and complying with the design requirements of the Architectural Barrier Free Design Code for the State of New Hampshire, as amended. “Elderly housing” may be single family residences, duplex residences, or multiunit residences and can be contained in a single building or groups of buildings and may include dwelling units that do not include services for the residents and/or congregate housing that includes services such as meals, housekeeping, recreational programs and related management support systems.

DEVELOPABLE AREA – That portion of any lot, lots, or tract of land that does not include wetlands, buffers/setbacks located in the Shoreland Protection Overlay District and the Wetland Conservation Overlay District, flood hazard areas, streets, and utility easements/rights of way.

ELDERLY MIXED-HOUSING DEVELOPMENT – Housing as defined under “Elderly Housing,” above, where there is a mix of two or more housing types, including multi-unit residences plus either: a) single family residences, b) duplex residences, or c) both single family residences and duplex residences. (See “Elderly Mixed Housing Development” under Performance Standards for additional provisions.)

ARTICLE XX
PERFORMANCE STANDARDS
175-109. Compliance Required.

This article establishes performance standards for specific uses. These standards must be met for all activities involving the specified uses.

P. Elderly Housing. The provisions below apply to all elderly housing, including Elderly housing, single family; Elderly housing, duplex; Elderly housing, multiunit; Elderly mixed-housing development; and Eldercare facility.

- 1. Elderly housing shall be established and maintained in compliance with all applicable state and federal laws with respect to such housing, including the Fair Housing Act, as amended, 42 USC Sec, 3601 et seq, NH RSA 354-A:15 and the NH Code of Administrative Rules Hum 300 et seq.*
- 2. Pursuant to RSA-354-A15, it is recognized that prohibitions against housing discrimination do not apply to housing for older persons which conform to applicable law.*

O. Elderly Mixed-Housing Development.

1. Purpose. The purpose of Elderly Mixed-Housing Developments is to:

- a. Ensure that housing for older persons provides for the various particular needs of this population, including meeting and function rooms and recreation facilities.*
- b. Foster appropriate development for housing for elderly persons pursuant to the Durham Master Plan, Zoning Ordinance, Site Plan Regulations, and Subdivision Regulations and to best planning practices.*
- c. Provide for a harmonious mix of housing types in order to offer choices in housing types, create an interesting and diverse environment and retain a sense of personal identity, intimacy and human scale within the development.*
- d. Ensure that the design of individual buildings, configuration of buildings, landscaping, pedestrian circulation, traffic circulation, parking layout, and other features are carefully considered to enhance the quality of life and safety for residents.*

2. Requirements. Development for Elderly Mixed-Housing Developments shall be in conformance with all of the following:

- a. Mix of housing types. There shall be a mix of two or more housing types for the purpose of offering choices in housing and providing a harmonious and varied grouping of building forms. The housing types shall include multi-unit residences*

plus either: a) single family residences, b) duplex residences, or c) both single family residences and duplex residences. Dwelling units in multi-unit residences shall constitute a minimum of 50% and a maximum of 80% of the overall number of dwelling units in the development. For multi-unit residences, incorporating both apartment-style “flats” and townhouses/rowhouses, is encouraged (but not required).

- b. Neighborhood design. The design of the Elderly Mixed-Housing Development shall be based on the principles of Traditional Neighborhood Development , as reasonably determined by the Planning Board, in order to create an attractive, walkable community. The various housing types shall be laid out along a network of streets and designed to integrate and blend harmoniously rather than being set apart in separate isolated clusters. Parking lots and garages shall be designed to be invisible or unobtrusive from the street.
- c. Pedestrian circulation. An appropriate mix of sidewalks, walkways, trails, and natural walking paths shall be an integral part of the design to facilitate access between buildings, facilities, and open space areas. Walkways shall comply with Standards of the American with Disabilities Act (ADA), as required. The applicant is encouraged to optimize accessibility for trails and natural walking paths which may be exempt from this requirement.
- d. Design Guidelines and Standards. The design of the Elderly Mixed-Housing Development shall conform to any applicable design guidelines and standards.
- e. Architectural Design. All exterior building elevations shall be provided. The proposed designs shall be reviewed for conformance with any applicable design guidelines and standards. The Planning Board shall also review such building elevations to ensure high quality and harmony in overall design, building configuration and siting, scale of the project, preservation of important viewsheds, detailing, and materials.
- f. Development Density. For the full development there shall be at least 12,000 square feet of habitable floor area in buildings housing residential dwelling units per acre of developable area (See definitions of “Developable Area” and “Floor Area, Habitable”). For single- family and duplex residences circulation areas shall count toward habitable floor area. The project may be phased with the approval of the Planning Board provided there are proper assurances that the full development will meet this requirement.
- g. Lots. There is flexibility, subject to approval of the Planning Board, in laying out the site with one building or dwelling unit on a lot or with multiple buildings or dwelling

units on a lot, or any combination of lots and buildings, subject to other requirements of this section.

- h. Mixed-use projects incorporating Elderly Mixed-Housing Developments and other allowed use(s) may be built. The different uses shall be planned to integrate harmoniously or be appropriately separated or buffered from one another.*
- i. Phasing. Projects may be phased, with the requirements herein applied, as appropriate, as determined by the Planning Board.*
- j. Elderly Housing. See other requirements for Elderly Housing, in general, elsewhere in this Article.*