ARTICLE XXXI POCKET NEIGHBORHOOD OVERLAY ZONE

31.1 AUTHORITY. This article is adopted in accordance with RSA 675:1, II and RSA 674:21. Pursuant to RSA 674:21, II the Planning Board is hereby authorized to grant Conditional Use Permits (CUP's) for applications subject to this Article.

31.2 PURPOSE AND INTENT. The purpose of this Article is to create opportunities to expand housing choice in Harrisville, and is intended to support small-scale, locally-guided development consistent with Harrisville's community-oriented nature by:

31.2.1 creating housing opportunities that reflect changing demographics that include a growing elderly population and challenges of retaining youth and young families;

31.2.2 creating options for smaller, more energy-efficient, and therefore more affordable housing; and

31.2.3 providing "missing middle" housing that bridges the gap between single-family homes and apartment complexes.

The intention of this Article is to offer sufficient flexibility that allows the Planning Board and the applicant to work collaboratively to develop the best possible plan for each site, as well as to preserve Harrisville's distinctive rural and village character by responding thoughtfully to the natural landscape and surrounding neighborhood.

31.3 APPLICABILITY.

31.3.1 Pocket Neighborhoods are permitted in any district in which residential uses are permitted, subject to the standards set forth in this Article, the Site Plan Review Regulations, and any other applicable ordinances or regulations. Unless otherwise articulated, this Article supersedes the use and dimensional standards of an applicable district. The overlay zone functions as an optional alternative to the provisions of the underlying zoning district(s).

31.3.2 Because Pocket Neighborhoods are intended to increase housing options for people whose housing needs are not being met by current zoning provisions, dwelling units in Pocket Neighborhoods are not permitted to be used as Short-Term Rentals. For the purposes of this ordinance, a Short-Term Rental is less than 30 days.

31.4 DEFINITIONS. The definitions contained in Article XXVI of this Zoning Ordinance and those contained in the Subdivision and Site Plan Review Regulations apply to this Article, as applicable, in addition to:

31.4.1 BUILDING: For the purposes of this Article, a building means a structure that is intended for residential occupancy.

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31.4.2 BUILDING FOOTPRINT: The outline of a structure measured at its exterior wall where they meet the ground.

31.4.3 BUILDING LOT: The area designated for a residential dwelling and any associated accessory buildings.

31.4.4 COMMON OPEN SPACE: Space that is designated for shared use and enjoyment by the residents of the Pocket Neighborhood.

31.4.5 PRIVATE OPEN SPACE: Space that is designated for use by the residents of a dwelling unit.

31.4.6 GROSS FLOOR AREA: The total floor area enclosed within the external walls of a building, including corridors, but excluding stairwells, mechanical service areas, and attached garages.

31.4.7 POCKET NEIGHBORHOOD: A small-scale residential development of between four (4) and twelve (12) buildings inclusive that is characterized by clustered homes, smaller footprints, and a pedestrian-friendly design. A Cottage Court design may be considered a type of Pocket Neighborhood. Cottage courts typically have shared common areas such as courtyard, garden, or other open space.

31.5 GENERAL STANDARDS

31.5.1 Pocket Neighborhoods may be developed on a single parcel of land or as a subdivision with dwelling units on individual lots.

31.5.2 Water and/or septic systems may be shared for either individual lots or condominium-type developments, subject to DES approval and appropriate ownership and maintenance agreements.

31.5.3 All proposals are expected to preserve, to the greatest extent feasible, existing natural and significant landscape features of the site, such as vegetation, stone walls or rock outcroppings. Site clearing shall not exceed what is necessary for construction.

31.5.4 In considering an application, the Planning Board should take into consideration the impact of the project on Harrisville Road corridors that contribute significantly to Harrisville's shared landscape and community identity. In doing so, the Planning Board may consider whether a vegetative buffer would be appropriate.

31.5.5 In addition to the standards contained herein, the Planning Board may impose additional standards and/or attach conditions as deemed necessary.

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31.6 BUILDING STANDARDS

31.6.1 Buildings may not contain more than two (2) dwelling units. The dwelling units may be laid out in any configuration; however, the total number of dwelling units shall not exceed twelve (12).

31.6.2 The maximum building footprint shall not exceed 1,000 square feet. The combined square footage of gross floor area per dwelling unit shall not exceed 1,500 square feet, excluding stairwells, unfinished basements, porches and garages, unless the building is a side-by-side duplex, in which case the maximum footprint may be up to 2,000 square feet.

31.6.3 Building separation shall not be less than what is required by applicable fire and building codes.

31.6.4 Building height is determined by the height regulations of the applicable district.

31.6.5 Buildings shall be designed so that the scale and massing are appropriate to their setting.

31.7 LOT AND YARD STANDARDS

31.7.1 Individual lot size shall be determined based on septic capacity of the soil, as set forth by NH Department of Environmental Services in Table 1005-1 of the NH Code of Administrative Rules**.**

31.7.2 For a condominium-type development, the total parcel size is determined by the ability to accommodate water supply and septic disposal. The minimum building lot shall be 2,500 square feet.

31.7.3 There is no minimum lot width.

31.7.4 Perimeter setbacks shall be the same as in the underlying zoning district.

October 9th review ended here.

31.8 DRIVEWAY/ROAD STANDARDS

31.8.1 Driveways providing access to three or more buildings shall have a minimum width of 18 feet and a maximum width of 24 feet if for two-way traffic.

31.8.2 A new internal road that services a Pocket Neighborhood shall be constructed according to the applicable Town of Harrisville standards.

31.8.3 Driveways and roads shall be approved by the Harrisville Fire Chief for adequate access and exit for fire safety purposes.

31.8.4 Driveways that access a state-maintained highway require a driveway permit from the NH Department of Transportation. ***Is this statement necessary?***

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31.9 PARKING STANDARDS

31.9.1 Parking may not be located in any common open space.

~~31.9.2 Parking may be located at the dwelling, or in a common parking area. Parking may also be provided off site on a separate parcel, subject to appropriate agreements.~~

31.9.3 In order to reduce visual impacts, if a common parking area is visible from a public street, it must be screened as determined by the Planning Board and integrated into the landscape as much as possible.

31.9.4 If any of the units have a garage, it must be subordinate in size and position to the dwelling unit; in no case shall the garage project beyond the front façade of the dwelling.

31.9.5 There must be one (1) parking space per dwelling unit.

31.10 OPEN SPACE

31.10.1 Open Space, as described below, is required for any project where the buildings are located on a single lot, regardless of ownership type.

31.10.2 Common open space shall be provided for the mutual enjoyment of the residents, as well as to offer privacy for those residents. The amount, use, and design of this open space will be agreed upon during the application review process, provided that:

31.10.1.2 The common open space shared by all dwellings shall not be less than 250 square feet per dwelling unit. This common open space need not be contiguous, but must be of a shape and dimension that is practical and useable for its intended purpose.

31.10.1.3 Septic systems, wells, and stormwater management facilities may be placed in common open space, provided they can do so without affecting the use and enjoyment of this space.

31.10.3 Private open space shall not be less than 250 square feet per dwelling unit.

NEW: ***31.10.3.1 The private open space shall be used for customary residential purposes and normal household outdoor activities such as gardening, small play areas, or outdoor seating.***

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31.11 HOMEOWNER'S ASSOCIATION

31.11.1 For projects that include any shared facilities (i.e., roads, utilities, common open space, etc.) a Homeowner's Association shall be formed to specify the individual and collective responsibilities for the ownership and ongoing maintenance of these facilities.

31.12 WAIVERS

31.12.1 In the granting of a Conditional Use Permit, the Planning Board may attach reasonable conditions, or waive or modify any of the requirements of this Article by majority vote if the Board finds that:

(1) the granting of the waiver would not be detrimental to the public safety, health, or welfare or injurious to other property;

(2) specific circumstances relative to the proposal or conditions of the land are unique to the property and are not generally applicable to other property; and

(3) the granting of the waiver will not be contrary to the purpose and intent of this Article in particular or the Harrisville Zoning Ordinance in general.

31.13 PROCEDURE

31.13.1 Applications for a Pocket Neighborhood development are subject to a Conditional Use Permit, ~~Subdivision and/or Site Plan Review, as applicable.~~

Already stated in 31.3

31.13.1.1 In granting a Conditional Use Permit under this Article, the Planning Board shall find that the proposed Pocket Neighborhood advances the purposes and intent of this Article and complies with the standards contained herein.

31.13.2 A preliminary consultation with the Planning Board is required, prior to the filing of a formal application. The consultation shall include a site walk. The Planning Board will invite other Town officials that are deemed relevant to the proposal, such as the Conservation Commission or the Fire Chief. The purpose of this consultation is to identify any potential problems/issues with a proposal before a formal application is filed.

31.13.3 The Planning Board shall designate a subcommittee to conduct a technical/ design review of applications prior to the scheduling of a public hearing. The subcommittee will include, to the extent possible, relevant Town officials such as the Fire Chief and Building Inspector to identify any potential life safety or fire protection issues, and design professionals who are able to work with applicants to ensure that site and building design reflect the character and aesthetics of Harrisville to the greatest extent possible.

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31.14 APPEALS

31.14.1 Decisions of the Planning Board involving a denial of a waiver request or a decision that involves the interpretation of this section are appealable to the Zoning Board of Adjustment

31.14.2 Decisions of the Planning Board regarding an approval or denial of an application under this section are appealable to the superior court.

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