

ARTICLE 7

ELDERLY, OLDER PERSON, AND HANDICAPPED HOUSING

A. Purpose

It is declared to be in the public interest and for the general welfare of the Town of Hooksett to permit the development of housing facilities specifically suited to address the housing needs of elderly, older persons, and handicapped persons. Further, the provisions relating to such housing are established, among other purposes, to promote affordable housing for the senior population, provide for the efficient use of land and utilities consistent with the needs of the senior population fifty-five (55) years of age and over, and to preserve open space.

For the purpose of this section, the terms Elderly Housing, Older Person Housing, and Handicapped Housing are defined as follows:

1. Elderly Housing – housing intended for, and 100% of the units are occupied solely by, persons sixty-two (62) years of age or older;
2. Older Person Housing – housing intended for and occupied by at least one person fifty-five (55) years of age or older, and others to be at least forty (40) years of age or older. *(Amended 05/14/13)*
3. Handicapped Housing – housing for any adult having an impairment which is expected to be of long, continued, and indefinite duration, is a substantial impairment to his or her ability to live independently and is of a nature that such ability could be improved by more suitable housing conditions.
 - a) Regarding Handicapped Housing: Convalescent homes, assisted-living facilities, and nursing homes providing long-term custodial care for the aged and/or infirm are permitted by right in the Commercial zone only.
 - b) Location by Special Exception in Medium Density and High Density Residential Districts: It is, therefore, the purpose of this section to establish provisions under which elderly housing, older person housing, and/or handicapped housing developments may be authorized as a Special Exception use in the Medium and High Density Residential Districts.
 - c) Handicapped Housing Compliance: All handicapped housing, whether stand alone or as part of elderly or older person housing, should comply with the design requirements of the “Architectural Barrier-Free Design Code for the State of New Hampshire,” as amended and licensed by the appropriate state agency.

It is, therefore, the purpose of this section to establish provisions under which elderly and/or handicapped housing developments may be authorized as a Special Exception use in the Medium and High Density Residential Districts.

B. Specifications

In addition to the provisions of Article 24, Section D of this Ordinance, an application for a **Special Exception** must satisfy the following provisions:

1. General

- a) Any site, on which it is proposed to develop elderly, older person, and/or handicapped housing facilities, shall be considered with respect to shopping services, such as food, clothing and medical supplies and to public transportation.
- b) When considering an application for a Special Exception concerning an elderly, older person, and/or handicapped housing development under this section, the Zoning Board of Adjustment shall invite an opinion from the Planning Board relative to the appropriateness of the proposed location for such development.
- c) Any proposed elderly, older person, and/or handicapped housing development for which a Special Exception has been granted under this section by the Zoning Board of Adjustment shall also be subject to Non-Residential Site Plan Review Regulations administered by the Planning Board.
- d) With respect to these requirements, the Zoning Board of Adjustment and the Planning Board may conduct their respective hearings jointly, in an effort to prevent the imposition of conflicting conditions.
(Amended 5/12/09)
- e) The applicant must present a plan demonstrating how the proposed elderly, older person, and/or handicapped housing project satisfies the needs of those individuals who will come to be located in the housing development.
- f) The applicant must present certification demonstrating compliance with all applicable State and Federal laws.
- g) Where the requirements of this Section are in conflict with other requirements of the Hooksett Zoning Ordinance, the provisions of this section shall take precedence.

2. Area, Frontage, Yard, Height, and Lot Coverage Requirements

The following shall be considered the minimum requirements for elderly, older person, and/or handicapped housing developments proposed under this section.

- a) **Lot area** – The minimum lot shall be four (4) acres. Very poorly drained soils, wetlands, and slopes greater than twenty (20) percent shall not be included in determining the minimum lot size.

- b) **Floodplain** – Elderly, older person, and/or handicapped housing development shall not be located within identified floodplains.
- c) **Frontage** – The minimum lot frontage upon a publicly approved street (Class V or better) shall be two hundred (200) feet.
- d) **Yards**
 - (1) There shall be a front yard on each lot the depth of which shall not be less than fifty (50) feet when measured from the nearest edge of any public right-of-way.
 - (2) Side and rear yards shall be provided as follows:
 - (a) Twenty (20) feet from the lot line or fifty (50) feet from existing structures on adjacent lots, whichever is greater, or
 - (b) Twenty-five (25) feet from the lot line when adjacent lots are vacant at the time that the application for a Special Exception is submitted to the Zoning Board of Adjustment.
 - (c) Building height shall not exceed thirty-five (35) feet in height. *(Amended 05/14/13)*
 - (d) Lot coverage – See Development Regulations. *(Amended 5/13/08)*
 - (3) Landscape Buffer

A landscaped buffer shall be of sufficient width to provide privacy and noise protection, but shall not be less than the setbacks otherwise required in this section. The buffer shall provide and maintain a strip of native plantings along and within the buffer area.

3. **Density Limitations**

The following limits relative to dwelling unit and population densities shall apply:

- a) The Zoning Board of Adjustment may allow a density of three (3) dwelling units per acre for a single development. Soil conditions, slope, the suitability of the land for such construction, or its location may dictate less than the maximum density. *(Amended 05/11/10)*
- b) Any multi-story building containing a complete dwelling unit(s) on each story shall have elevator service or “at grade” access to each dwelling unit. *(Amended 5/13/03)*
- c) Not more than two (2) persons shall use, as a regular place of abode, any dwelling unit having one (1) bedroom.

- d) Not more than four (4) persons shall use, as a regular place of abode, any dwelling unit.
- e) The maximum number of bedrooms shall not exceed two (2) per dwelling unit.
- f) Within any elderly or older person housing developments, a minimum of ten (10) percent of the dwelling units shall be compliant with the design requirements of the Architectural Barrier-Free Design Code of the State of NH. *(Amended 5/11/10)*

4. Parking

Off street parking shall be provided as follows:

- a) There shall be a minimum of six (6) parking spaces for every four (4) dwelling units.
- b) In addition to these off-street parking requirements, other appropriate provisions of Site Plan Review process shall apply.

5. Water and Sewerage Services

All elderly, older person, and/or handicapped housing developments shall be serviced by both public water and public sewerage systems.

6. Building Separation

Where there will be more than one (1) building on a lot, they shall have a minimum horizontal separation of thirty-five (35) feet. Topography and other characteristics of the site or the development which might affect the use of emergency equipment between buildings may dictate a greater separation.

7. Commercial Services

The Zoning Board of Adjustment, as part of their Special Exception deliberations, may allow small retail and service establishments, which are essential to the needs of the residents of any elderly, older person, and/or handicapped housing project, to be constructed as part of the development.

8. Sidewalks, Walking Paths

Sidewalks and/or walking paths shall be provided within the development for access to the public road or connection to other walking paths in the vicinity and to allow for exercise/recreation for the residents.

9. Lighting

Lighting shall be provided along access roads, parking areas, and walking paths that shall be appropriate for the residents of the development.

10. Assurances of Senior Residency

The applicant/developer shall provide deed restrictions, use limitations, covenants, or some other legally enforceable instrument, which shall permanently restrict occupancy of these housing facilities to persons who meet all applicable restrictions regarding age. The language of restrictions and/or limitations must be specific and must correlate with current Federal, State and Local requirements under the Federal Fair Housing Act.

11. General Provisions (*Article 3*) shall apply, when applicable.

(End of Article 7)

