

# TOWN of HANOVER

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## MEMORANDUM

From: Alexander Taft, Senior Planner

To: Town of Hanover Planning Board

RE: Zoning Ordinance Amendments for Town Meeting 2023

Amendments described below are the versions endorsed by the Planning Board to be reviewed in public hearing.

### **1. Article Two, Amendment No. 1: Student Residences**

Amend Article IV, Section 405.6(B), by adding:

Permitted Uses:

***student residence***<sup>1</sup>

Uses allowed by special exception:

***student residence***<sup>2</sup>

Add at the end of Section 405.6 (B), as footnotes to the uses section, the following qualifiers to distinguish which student housing projects are permitted by right and which are permitted only by special exception:

<sup>1</sup> ***Use is permitted only for renovation, replacement, or expansion of a student residence existing as of May 9, 2023. Expansion(s) under this category shall be limited to a cumulative increase of less than 35% above the May 9, 2023 building footprint. Applications under this category shall include the lesser of the number of parking spaces existing prior to the renovation, replacement, or expansion of the student residence OR sufficient parking spaces to satisfy the requirements set forth in Article X.***

<sup>2</sup> ***Use is allowed by special exception for new development and expansions resulting in a 35% or more increase in building footprint.***

Explanation:

Student residences in the Institution (I) District are currently classified as a use allowed only by special exception. This classification conflicts with the stated objective statement of the district, which is to permit "normal institutional uses" which, in the case of a college, generally include student residences.

New student housing projects (or major additions to existing ones) might produce unintended adverse effects, the proposed amendment provides a balance by leaving the special exception requirement in place for the construction of new student housing projects, or for projects that propose a 35% or more increase in total building footprint. Approval for such projects will still require a finding by the ZBA that there will be no adverse impact on roads and sidewalks, town services and facilities, or the character of the area where the project will be located. In addition to addressing issues such as accessibility, health and safety, and energy efficiency, expanding existing student housing can also help ease the rental housing availability for non-students.

## **2. Article Three, Amendment No. 2 to Section 715 Signs**

### Modify Section 715.2(C):

C. For places of assembly and institutional buildings not more than two signs are permitted, none of which may exceed thirty square feet in area on each of two sides and not located nearer to a street line than one-half the depth of the required front setback. ***For places of public assembly having frontage and points of entry from more than one public street, two signs for each public street frontage shall be permitted.***

### Add Section 715.7

#### ***715.7 Electronic marquees***

***Electronic marquees are an accessory use permitted by special exception in connection with a principal use as a theatre, whereby the use of a marquee to announce programming and events is customarily incidental to such use. Use of an electronic marquee shall be limited to displaying static text or images. Scrolling, flashing or animation effects shall be prohibited. Not more than one electronic marquee shall be permitted per principal use and shall be in addition to the two signs permitted under 715.2 C. The size of the marquee shall comply with the dimensional requirements of Section 715.2 C, except that lawfully existing signs used for this same purpose shall be grandfathered with respect to the dimensional requirements.***

### Add to Section 302:

**Electronic marquee:** a sign used to announce programming and events for a theater, the contents of which are created by the use of electronic, remote-controlled display.

**Theatre:** a building or a portion of a building approved for use for motion pictures, dramatic, operatic, or other artistic or cultural performances, and may include food and beverage concessions.

Explanation:

The amendment addresses the following:

(1) The allowable signage for theaters and institutional buildings fronting on multiple public streets.

(2) Updated sign regulations to reflect sign technology advancements, specifically electronic marquees.

A new definition of theater is also added in Section 302 and theaters as a use are included as a permitted use category in Institution and Downtown Districts.

**3. Article Four, Amendment No. 3 Changes 405.13 Main Wheelock District (MWD)**

Amend Article IV, Section 405.13 (C) (5) adding language to clarify:

...

Building front wall in build-to area: ***Existing buildings within the front setback are not required to comply with build-to area provisions set forth below. For new building(s) situated frontmost on the lot, there is a requirement that a percentage of the building's front wall, as detailed in the table below, be constructed in the build-to area. Any additional building(s) on the lot situated behind the frontmost building shall be exempt from the requirement of building a front wall in the build-to area.***

Delete the final sentence from "Building front wall in build to area":

The difference in the distance between the part of the building front wall in the build-to area and the part of the building front wall out of the build-to area must be at least six feet.

Add clarification to building length column:

<u>Building Length</u>	<b>Length of Building Front in Build-to Area</b>	
	<b>Minimum</b>	<b>Maximum</b>
Less than or equal to 30 feet	75%	100%
Over 30 feet long		
With <b>3 or</b> 4 stories in Build-to area	50%	60%
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With 3 stories in Build-to area & 4 <sup>th</sup> story not in Build-to area	50%	70%
<u>With 4 stories:</u>		
Entire 1 <sup>st</sup> story in Build-to area; No portion of 4 <sup>th</sup> story in Build-to area; Lengths of 2 <sup>nd</sup> & 3 <sup>rd</sup> stories in Build-to area	60%	80%

Explanation:

Amendment No. 3 proposes to change the design requirements for building articulations in the MWD District. The revisions to “Building front wall in build-to area,” clearly locate the area within the property boundaries. It also removes an arbitrary depth requirement. The goal of the change is to regulate a minimum building articulation. The building design requirements within this table is intended to break up the visual monotony and bulk of a long uninterrupted building front.

**4. Article Five, Amendment No. 4 Changes to Section 1002 Schedule of minimum requirements for off-street parking spaces**

Amend Section 1002 Schedule of minimum requirements for off-street parking spaces:

<u>Use categories</u>	<u>Minimum number of off-street parking spaces required</u>
<u>Accessory dwelling unit</u>	<u>None required 1 additional parking space</u>
<u>Downtown residential</u>	<u>± 0.5 for each dwelling unit</u>
<u>Student Residence</u>	<u>1 for each 4-8 beds</u>
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<del>Fraternities and sororities</del>	<del>1 for each 2 beds</del>
<del>Residential buildings for students or personnel of an institution</del>	1 for each 4 beds

Explanation:

Amend Article X, Section 1002 Schedule of minimum requirements for off-street parking spaces. Amendment No. 4 proposes reducing the required minimum quantities of parking for the use categories of: Accessory dwelling units and multi-family, PRD. Changes also include revisions of use categories currently published as “residential buildings for students or personnel of an institution,” resulting in “residential institution.” A new category of Student residences is added with a 1 space per 8 beds, and removal of the use category “fraternities and sororities” as this is the only location throughout the ordinance where that language appears. This creates a better connection with uses permitted or permissible with special exception in Article IV (4).

**5. Article Six, Amendment No. 5 Changes to Section 302 Definitions.**

Amend Article III, Section 302 Definitions:

**accessory use or building**

A building or use subordinate, ~~and or, in light of the general and specific purposes of the ordinance, reasonably incidental~~ **and customarily associated with the principal use and building on the same lot.** The term “accessory building”, when used in connection with a farm, shall include all buildings customarily used for farm purposes (see Section 707).

**downtown residential**

Residential uses in the Downtown district, which include ~~and are limited to one family dwelling, two family dwelling, multi-family dwelling,~~ **and multi-family units as part of downtown commercial use.**

Explanation:

To keep consistent with the statutory definition of Accessory use or building across all districts when possible, the proposed revisions are intended to parallel current case law in New Hampshire to avoid misinterpretation when issuing permits or making decisions.

The regional housing needs assessment has found a shortage of housing units in Hanover. The Hanover Master Plan envisioned a goal that urban in-fill opportunities for higher densities with minimal neighborhood impact occur. The added flexibility to add residential units that can occupy properties that have aged and are ready for redevelopment will assist implementation of that goal.

**6. Article Seven, Amendment No. 6 Changes to Section 519 Rentals.**

Amend Section 519 Rentals:

...

519.2.1 A non-owner-occupied **one-family and two family dwelling and unsprinklered multifamily** unit(s) may be rented as a residence for an unrelated family limited to three persons or a related family. No tenant may rent any space to additional roomers.

Add new sub-section 519.2.2

**519.2.2 Fully sprinklered multifamily units may be rented as a residence with a maximum occupancy load of one person per 200 gross square feet, as defined in the current NFPA 101, of unit space. No tenant may rent any space to additional roomers. (Chapters 30 and 31 of NFPA 101)**

Explanation:

The Amendment to Section 519.2 to permit multi-family occupancy based on the National Fire Protection Code (NFPA101) in fully sprinklered units and buildings. This amendment is intended to further support the rental market in Hanover which supports big employers in the area such as Dartmouth College and Dartmouth Hitchcock Medical center.