

Proposed Workforce Housing Option for Open Space Development

In Article III, General Provisions, would replace current Section 325, Open Space Development, with this revised Section that adds a Workforce Housing Option.

Section 325 Open Space Development

325.1 Purpose and Objectives:

- A. Authority: This section is enacted in accordance with RSA 674:21 and RSA 674:58-61 and is referred to as the Open Space Development Ordinance.
- B. Purpose: The purpose of these open space development provisions is to encourage flexibility in the design and development of land in order to preserve open space and traditional rural character, meet the goal of providing safe, affordable housing opportunities as set forth in the Deerfield Master Plan and to promote the most efficient use of land in harmony with its natural features and protecting the natural resource base. The intent is to enhance and protect the health, safety, convenience, and general welfare of the inhabitants of Deerfield.
- C. Objectives: Open Space Development shall promote the following objectives.
 - 1. Preserve the natural beauty of existing rural roads, topography, agricultural and wooded areas and to provide usable open space and recreation facilities in close proximity to dwelling units; encourage the use of buffers, wildlife habitats and corridors and greenways in order to achieve the above;
 - 2. Encourage a less sprawling form of development which makes more efficient use of land, requires shorter networks of streets and utilities, and fosters less consumption of rural and/or agricultural land;
 - 3. Provide an efficient procedure which can insure appropriate, high quality design and site planning and a high level of environmental amenities;
 - 4. Avoid development of portions of sites which have poor soil conditions, high water tables, are subject to flooding, or have excessively steep slopes; and
 - 5. Provide opportunity for the development of affordable workforce housing.

325.2 Definitions: The following terms as used in this section shall have the following definitions:

- A. Open Space Development or Open Space Subdivision: A subdivision or development of land where the lot area and other dimensional standards are reduced in exchange for the preservation of permanently protected open space, recreational land, forests or farmland.

- B. Conventional Subdivision: A subdivision having lot areas setback, frontage, and street layout that conform to the requirements of Section 204 of the Town of Deerfield Zoning Ordinance.
- C. Home Owners Association: A private non-profit corporation, association, or other legal entity established to manage and support the activities of the open space development, in which membership is mandatory for owners of lots in the subdivision.
- D. Open Space: Land for which development rights have been restricted under this ordinance.
- E. Parent Lot: Any lot existing as of March 11, 2008, the date of the adoption of this ordinance.
- F. Yield Plan: A subdivision plan, with such information as the Planning Board may require, showing the subdivision of the land as a Conventional Subdivision for single-family houses.
- G. Workforce Open Space Development: An Open Space Development that provides rental or ownership housing opportunities to households based on the following standards: (1) **workforce rental housing** is defined as a housing unit that has a monthly rent not exceeding 30 percent of the gross income of a household earning no more than 60 percent of the median income for a 3-person household for the Western Rockingham Fair Market Rent Area as published annually by the United States Department of Housing and Urban Development; (2) **workforce ownership housing** is defined as housing that can be purchased at a price, including the combination of mortgage loan debt service, property taxes and insurance, that does not exceed 30 percent of the gross income of a household earning no more than 100 percent of the median income for a 4-person household for the Western Rockingham Fair Market Rent Area as published annually by the United States Department of Housing and Urban Development.
- H. Area Median Income (AMI): the median income of the HUD Fair Market Rent Area to which Deerfield belongs, as is established and updated annually by the US Department of Housing and Urban Development.

325.3 Applicability:

- A. Development in accordance with the provisions of this Section is permitted in the Agricultural/Residential District.
- B. Lots subject to this Ordinance: This Ordinance applies to any Parent Lot that is greater than twelve acres, and to any lot created by subdivision from any Parent Lot that was greater than twelve acres.
- C. Required Open Space Development. Any subdivision of any Parent Lot greater than twelve acres must be and Open Space Subdivision, unless exempted by the following subsection.
- D. Exemptions: The following lots created by subdivision are exempt from the requirement for Open Space Development (but not from any restrictions from further subdivision contained in this Ordinance).

1. Three Lot Exemption: Lots created by the subdivision that meet the following requirements:
 - (a) Use Limitations : The lots are limited in use to single family dwellings,
 - (b) Number of Lots: Not more than three lots may be created under this subsection from any Parent Lot, including any later subdivision of any lots created from the Parent Lot, and
 - (c) Frontage limitation: At least 200 feet of frontage of the Parent Lot shall not be used for the lots exempted by this subsection.
2. Large Lot Exemption: Any lot created by the subdivision that has at least ten (10) acres, and
3. Nonresidential Lot Exemption: Lots created by the subdivision that are restricted to nonresidential uses.
4. Any Open Space Development with workforce housing shall only be permitted in an area that is within a 2.5 mile radius from Deerfield Center with the Deerfield Town Hall as the center point. For lots that have a portion of their land area within the defined radius area, at least 50% of the lot's land area shall lie within the 2.5 mile radius to qualify.

325.4 Standards and Conditions:

- A. Use of Lots in Open Space Developments: The following uses are permitted on lots in an Open Space Development
 1. Residential uses as permitted by the Zoning Ordinance.
 2. Outdoor recreation, such as golf courses, riding stables, skating rinks and other forms of outdoor recreation, provided:
 - (a) The siting of all outdoor recreation facilities will be subject to approval by the Planning Board under its Site Plan Review Regulations.
 - (b) Spectator events are incidental and not operated as a primary business:
 - (c) Accessory service buildings are limited to those necessary for the pursuit of the recreational activity: and
 - (d) No area developed for active recreation is located within 150 feet of any lot used for a residence.
 3. Commercial and non-commercial agriculture and forestry.
- B. Maximum Density:
 1. The number of dwelling units permitted in any Open Space Development shall not exceed the number of single family dwelling units permitted for a Conventional

Subdivision that conforms to Section 204 of the Deerfield Zoning Ordinance and that would be approved by the Planning Board.

2. **Workforce Density Incentive:** The Planning Board shall allow a reduction of the minimum lot size for workforce housing to accommodate the increased site density as long as soil conditions permit the siting of septic systems and private water wells within the decreased lot size. The density incentive for workforce housing shall be in accordance with the following:

% Workforce Units	Overall Density Minimum Acres/ Unit Allowed
100	1.0
75	1.5
50	2.0
25	2.5
0	3.0

3. The allocation of workforce units shall be applied in the following order:
 - (a) The first workforce housing unit shall be sold at an initial sale price that can be affordable to a household with an income of not more than 100% of AMI,
 - (b) The second workforce housing unit shall be sold at an initial sale price that can be affordable to a household with an income of not more than 80% of AMI,
 - (c) The third workforce housing unit shall be sold at an initial sale price that can be affordable to a household with an income of not more than 60% of AMI, and
 - (d) Any remaining units shall be allocated in the same order as (a) through (c) above.

C. **Uses Restricted:** No lots in an open space development may be used for manufactured housing, trailers, recreational vehicles, campers, or similar semi-permanent housing, whether provided with a foundation or not.

D. **Design Standards**

1. **Setbacks: Open Space Development** are subject to the following setbacks, and building separation, in place of the area and yard dimensions in Section 204:
 - (a) **Setbacks: No Structure, road** (except the road giving access to the subdivision), septic system, or parking area may be located:
 - (1) **Front Setback:** Within one hundred (100) feet from the edge of a public right-of-way in existence prior to the open space development subdivision.
 - (2) **Side and rear Setback or Buffer:** Within fifty (50) feet of an abutting property line to the subdivision.

(b) Internal Setbacks and Separation:

- (1) Front setback: Structures shall be located at least twenty-five (25) feet from the edge of any roads in the subdivision.
- (2) Dwelling units Separation: Dwelling units must be located at least forty (40) feet apart. The Planning Board may approve a smaller separation if an acceptable alternative for fire safety, as determined by the Fire Chief, is provided. The location of setbacks proposed to achieve this requirement shall be depicted on all plats in the proposed open space subdivision.

2. All Open Space Subdivisions shall:

- (a) Minimize impact to environmental resources through the use of Low Impact Design features;
- (b) Provides a trail or green space connection with adjacent properties where applicable; and
- (c) Incorporates the equivalent of the Energy Star rating in all building designs.

3. All dwellings in an Open Space Subdivision shall be compatible in architectural style and exterior appearance and consistent with Deerfield's historic architectural style.

4. Waiver: The Planning Board may reduce any of the Design Standards if it finds that the purposes and objectives of this ordinance are not adversely affected by the reduction.

E. Additional Criteria for OSD Workforce Housing

1. The workforce housing units shall retain the development criteria and affordability standards herein for a minimum period of thirty (30) years through a suitable deed restriction, restrictive covenant, easement or other instrument deemed acceptable to the Deerfield Planning Board and as monitored through reports provided to the Deerfield Planning Department prior to the time of unit sale or resale in the case of ownership, and annually in the case of rental units. Such document(s) shall be recorded at the Rockingham County Registry of Deeds with each property transfer. Reports shall be prepared by persons with appropriate training in determining affordable housing eligibility as defined by the U.S. Department of Housing and Urban Development;
2. All of the bonus units gained under this provision must meet the affordability requirements for workforce ownership housing in Section 325.2 (G) of this ordinance. In the event of a workforce unit sale or transfer, the purchaser will be certified for eligibility to be at or below 100% of AMI by a third-party agent acceptable to the town prior to sale or transfer and as further described in a suitable restrictive covenant.
3. Occupancy of the development is not restricted to any age group;
4. More than fifty percent of the workforce housing units in the development shall contain two or more bedrooms;

5. Phasing—the phasing plan for the development shall provide for the development of workforce housing units concurrently with the market-rate units.
6. The workforce housing units should be interspersed throughout the overall development

F. Landscape Buffer:

An Open Space Development shall have a landscape buffer to provide transition between abutting land uses and the development and also between the development and existing Town roads, as determined by the Planning Board. Whenever possible, the natural vegetation shall be retained. The Board may require vegetative plantings to supplement or replace inadequate natural buffers. No construction, with the exception of primary access roads, shall be permitted in the buffer, including septic systems, parking areas, driveways and other roads.

G. Minimum Open Space Area:

The Total area of Open Space shall equal at least fifty percent of the Open Space Development's gross tract area (Minimum Open Space Area). Not more than fifty percent of the Minimum Open Space Area may consist of lands within the Wetlands Conservation District or having slopes in excess of twenty percent.

H. Use of Open Space Area:

Not greater than ten percent of the Open Space may be used for active recreational uses, such as parks, swimming pools, tennis courts, playgrounds, play fields, or golf courses. The remainder of the Open Space may be used for nature trails and passive recreation, commercial and non-commercial agricultural and forestry uses, or left as undeveloped land. The Planning Board may permit a greater portion of the land to be used for active recreational uses if it finds that expansion of active recreation satisfies the purposes of this ordinance.

I. Protection of Open Space:

Open space shall be protected by deed restrictions or other permanent covenants running with the land or a conservation easement. Open Space not conveyed to the Town or to a conservation organization acceptable to the Planning Board shall be conveyed to a Homeowners Association, provided that the lots in the Open Space Development are subject to recorded covenants requiring membership by the lot owners in the subdivision and providing for:

1. Continued use of the Open Space only for its allowed purposes:
2. Continuity of proper maintenance and monitoring of the Open Space.
3. Availability of funds required for such maintenance and monitoring:

4. Recovery for damages sustained as a result of casualty, condemnation or other loss of the Open Space: and
 5. Enforcement rights held by the Town of Deerfield.
- J. Other Standards and Conditions: Except as expressly modified by this section, all Open Space Developments shall be subject to all other applicable provisions of the Zoning Ordinance and the Subdivision and Site Plan Regulations.

325.5 Limitation on Further Subdivision:

No lot created by subdivision of a Parent Lot or by any subsequent subdivision of any lot that was part of a Parent Lot, may be further subdivided unless or except:

- A. The lot subject to further subdivision is at least twelve acres and the subdivision is an Open Space Subdivision under this ordinance:
- B. Lots created by the further subdivision that are greater than ten acres and are exempt from this ordinance under section 325.3C,2: or
- C. Lots created by the further subdivision that are exempt from this ordinance under section 325.3C.1, but only if the number of lots created when combined with the number of all lots previously created when combined with the number of all lots previously created from the Parent Lot that were exempt under section 325.3.C1, do not exceed three lots.

325.6 Procedure:

- A. Planning Board Review: An open space development shall be treated as a subdivision for review and public hearing purposes. Multi –family open space developments with structures containing more than two dwelling units, shall also be subject to Site Plan Review regulations. The Planning Board may impose additional conditions and limitations on any open space development, to satisfy the purposes and objectives of the ordinance.

Any applicant proposing a workforce housing OSD shall follow the same procedure as above in addition to any such procedures as provided for in regulations as may be adopted by the Deerfield Planning Board. The applicant shall also file a written statement of intent to include workforce housing as part of the application as per RSA 674:60.

- B. Yield Plans: For any Open Space Subdivision application, the applicant shall file with the Planning Board a Yield Plan showing the lots that may be created by a Conventional Subdivision, and containing such additional information as the Planning Board may require.
- C. Planning Board Development Regulation: The Planning Board may adopt regulations for Open Space Developments, which may impose additional standards and restrictions.

325.7 Other:

- A. Enforcement: Protective covenants and restrictions on Open Space required by this ordinance shall be deemed to create conservation restrictions that are enforceable by the Town of Deerfield in accordance with New Hampshire RSA 674:21-a.
- B. Statutory References: Any reference to any section of the New Hampshire Revised Statutes Annotated (“RSA”) shall refer also to any section as amended and to any successor or replacement section.
- C. Rules of Construction: In the event of any conflict between the Open Space Development Ordinance and the rest of the Deerfield Zoning Ordinance, the more restrictive provision shall control. Any reference to lots created by a subdivision of a lot subject to this Ordinance refers to all of the lots resulting from the subdivision, including the remainder portion of the original subdivided lot. Any reference to additional lots created by a subdivision refers only to the additional number of lots created by the subdivision, but not to the remainder portion of the original lot. References to the “Ordinance” in this section refer to the Open Space Development Ordinance.

December 10, 2010