

Final Zoning Changes for 2012 Vote

Amendments:

1. Ballot Vote 1 – Zoning Ordinance Authorizations

Add to Article I Introduction, Section 1.02.0 Authorizations a “Shall, should and may” statement to clarify terminology throughout the ordinance

- Add **Section 1.02.3 Provisions of this Ordinance are activated by “shall” when required, “should” when recommended and “may” when optional.**

2. Ballot Vote 2 – Lot of Record and Non-conforming Uses

Amend Article II General Provisions, Section 2.01.0 Lot of Record and add Section 2.02.0 Non-Conforming Uses to align with revised definitions

- Amend Section 2.01.0 Lot of Record – Lot of record shall be considered to meet the minimum lot size and frontage requirements of the Ordinance **if it was in existence** prior to the adoption of the Zoning Ordinance (3/11/69) as long as the lot of record has fifteen (15’) feet of frontage on a Class V or better road.
- Add Section 2.02.0 Non-Conforming Uses – **A use lawfully existing prior to the enactment of the Zoning Ordinance (3/11/69), and that is maintained after the effective date of the Ordinance, although it does not comply with the zoning restrictions applicable to the district in which it is situated.**

3. Ballot Vote 3 – Zoning Ordinance Definitions

Amend Article IV: Definitions by adding “Dwelling Unit, Mixed-use” and “Use, Non-conforming”; amending “Lot of Record”; and removing “Kennel”, “Nursery”, and “Nursery Stock”

- Add **Dwelling unit, Mixed-use: One room or rooms connected together and designed for use as a dwelling unit; located in a non-residential building with no more than two (2) dwelling units that are in addition to the primary non-residential use.**
- Add **Use, Non-conforming: A use existing prior to the enactment of the Zoning Ordinance (3/11/69), and that is maintained after the effective date of the Ordinance, although it does not comply with the zoning restrictions applicable to the district in which it is situated.**
- Amend Lot of Record: Lot of record shall be considered to meet the minimum lot size and frontage requirements of the Ordinance **if it was in existence** prior to the adoption of the Zoning Ordinance (3/11/69) as long as the lot of record has fifteen (15’) feet of frontage on a Class V or better road.
- Remove **~~Kennel: Any lot or premises on which four (4) or more dogs other than personal pets, at least four (4) months of age, are kept, boarded or trained whether in special structures or runways or not. The foregoing definition shall specifically exclude veterinary clinics. (1983)~~**
- Remove **~~Nursery: The grounds and premises, private or public, on or in which nursery stock is propagated, grown or cultivated for the purpose of distributing or selling nursery stock as a business. This shall include the on-site retail distribution of nursery stock provided,~~**

~~however, under this definition it is not intended that such retail distribution will be in the form of a retail store or be the principal use of the premises. (1990)~~

- Remove ~~**Nursery Stock:** All hardy deciduous and evergreen trees and shrubs, brambles, woody vines, woody florist stock and herbaceous annuals and perennials, their roots, cuttings, grafts, scions, buds, seeds and plant parts thereof, including any collected plants, for and capable of propagation. (1990)~~

4. **Ballot Vote 4 – C, LCB, ICI District Acceptable Uses**

In Article V: Zoning Districts and Regulations, Add “Dwelling unit, Mixed-use” as an Acceptable Use in the Commercial (C), Limited Commercial-Business (LCB) and Integrated Commercial-Industrial (ICI) Districts, Add “Filling Station” as an Acceptable Use in Integrated Commercial-Industrial District (ICI)

- In Commercial “C” District, Section 5.05.1 Acceptable Uses Add **GG. Dwelling Unit, Mixed-use**
- In Limited Commercial-Business “LCB” District, Section 5.07.1 Acceptable Uses Add **O. Dwelling Unit, Mixed-use**
- In Integrated Commercial-Industrial “ICI” District, Section 5.08.1 Acceptable Uses Add **CC. Dwelling Unit, Mixed-use**
- In Integrated Commercial-Industrial “ICI” District, Section 5.08.1 Acceptable Uses Add **DD. Filling Station**

5. **Ballot Vote 5 – Nashua and Elm Street Corridor Overlay**

Amend Article VI Overlay Districts, Section 6.05.0 Nashua and Elm Street Corridor Overlay District, to modify the name of the Nashua and Elm Streets Corridor Overlay District and updates document references

- Amend Section 6.05.0 NASHUA ELM STREETS CORRIDOR ~~OVERLAY~~ DISTRICT
- Amend Section 6.05.6.A.3.d *Town of Milford Nashua and Elm Street Corridor Design Guidelines (2007)*; Prepared by Nashua Regional Planning Commission
- Amend Section 6.05.6.C.4.c Prohibited Plants and Trees. Plant species as listed on the “NH Prohibited Invasive Species List” (as amended) by the NH Department of Agriculture are prohibited. As of 2007, the list includes the species listed in Appendix III ~~(aquatic species not listed).~~

6. **Ballot Vote 6 – Commerce and Community District**

Add to Article VI: Overlay Districts, Section 6.06.0 Commerce and Community District (Please see Commerce and Community District Ordinance document)

7. **Ballot Vote 7 – West Elm Street Gateway District**

Add to Article VI: Overlay Districts, Section 6.07.0 West Elm Street Gateway District (Please see West Elm Street Gateway District Ordinance and Guidelines documents)

8. Ballot Vote 8 – Sign Ordinance

Amend Article VII: Supplementary Standards, Section 7.06.0 Sign Ordinance to update:
Monument signs, Directional Signs and Building Markers

- Section 7.06.3 Definitions, Modify Building Marker Sign: A sign lettered to give the name of a building and/or date of construction of the building. Such signs shall include signs recessed into the surface, cut into any masonry surface, or constructed of metallic or other **incombustible noncombustible** material. For purposes of this Article, “building name signs” are deemed to be directional signs.
- Amend Table 7.06-3 Directional Signs, under Zoning District “A” and “Permitted?” from “N” to “Y”
- Add Section 7.06.7.D.4 **Address number(s) shall be displayed on each face of the sign so as to be visible from the public way with Arabic numerals or Alphabet letters a minimum of four (4”) inches in height.**

9. Ballot Vote 9 – Administration and Enforcement

Amend Article VIII: Administration, Section 8.01.0 Enforcement and Article VII: Supplementary Standards, Section 7.06.0 Sign Ordinance, to comply with enforcement modifications made to the State’s Revised Statutes Annotated (RSA)

- Amend Section 8.01.0 Enforcement – This Ordinance shall be enforced by the Board of Selectmen, and the Board of Selectmen is hereby given power and authority to enforce the provisions of this Ordinance. The Board of Selectmen is further empowered to confer upon an administrative official appointed by the Board of Selectmen the duty of administering the provisions of this Ordinance **in accordance with RSA 676:17(as amended) or as otherwise authorized by RSA. A copy of RSA 676:17 is included in appendix.**
- Remove Section 7.06.5.F.2 General Administration

10. Ballot Vote 10 – Administrative Relief (Variance, Home Occupation, Accessory Dwelling Unit and Equitable Waiver)

A. Amend Article X: Administrative Relief , Section 10.01.0 Variances to comply with amendments made to the State’s Revised Statutes Annotated (RSA)

- Amend Section 10.01.1 Any request for a permit of any nature required under this Ordinance which will require a variance from the prescribed standards of this Ordinance shall be made only by the owner of the property in question **his the owner’s(s’)** duly appointed agent and shall be transmitted to the Board of Adjustment or **their its** duly appointed official to the Board. **All variance requests made to the Zoning Board of Adjustment shall be made in accordance with RSA 676:5 (as amended), a copy of which is included in the Appendix.**
- Amend Section 10.01.2 Every variance granted by the Zoning Board of Adjustment shall be **in accordance with the powers of the Board as stated in RSA 674:33 (as amended), a copy of which is included in the appendix.**

- B.** Add to Article X: Administrative Relief, Section 10.02.0 Home Occupations to limit the need for a Certificate of Compliance to the space dedicated to a Home Occupation
- Add Section 10.02.3.C **Prior to commencement of a Home Occupation, the homeowner shall make application for a permit to the Community Development Office, submit to a Code Compliance Inspection specific to the location or area of the Home Occupation and shall obtain a Certificate of Compliance specific to the location or area of the Home Occupation.**
- C.** Amend Article X: Administrative Relief, Sections 10.02.6 Accessory Dwelling Units to divide 'A' into two sections and make minor administrative updates to aid in enforcement
- Amend Section 10.02.6 Accessory Dwelling Units as follows:
 - A.** In all cases involving an Accessory Dwelling Unit (ADU):
 - 1.** An ADU shall meet the following minimum requirements:
 - a.** Only one ADU shall be allowed per a property.
 - b.** The primary dwelling unit shall be owner occupied.
 - c.** The ADU shall not exceed 700 SF total space.
 - d.** The ADU shall include no more than one bedroom.
 - e.** No additional curb cuts shall be allowed.
 - f.** Attached accessory dwelling units shall have and maintain at least one common interior access between the principal dwelling structure and the accessory dwelling unit **consisting of a connector a minimum of 36" in width or doorway a minimum of 32" in width.**
 - g.** An ADU shall be located in an existing or proposed single-family home or detached accessory structure.
 - h.** All criteria of the zoning district including lot sizes, frontages, yard requirements and height requirements must be met.
 - i.** An existing nonconforming residential use shall not be made more nonconforming.
 - j.** An ADU shall meet all applicable local and State Building, Fire, and Health Safety Codes.
 - 2.** The Board of Adjustment **prior to granting a Special Exception shall conduct a hearing to determine if the proposed ADU complies with the following criteria:**
 - a.** The ADU must be developed in a manner which does not alter the character or appearance of the principal use as a single-family residence.
 - b.** The ADU is intended to be secondary and accessory to a principal single-family dwelling unit.
 - c.** The ADU shall not impair the residential character of the premises nor impair the reasonable use, enjoyment and value of other property in the neighborhood.
 - d.** Adequate off-street parking must be provided.
 - e.** Any necessary additional entrances or exits shall be located to the side or rear of the building whenever possible.

B. All ADUs must apply for a compliance inspection ~~every five (5) years and~~ when a change of ownership occurs, to ensure compliance with Section 10.02.6:A.

D. Move Article II General Provisions, Section 2.06.0 Equitable Waiver to Article X, Administrative Relief, Section 10.07.0 Equitable Waiver, and modify to comply with amendments made to the State's Revised Statutes Annotated (RSA)

- Remove Section 2.06.0 Equitable Waiver
- Add Section 10.07.0 **Equitable Waiver – All Equitable Waivers of dimensional requirements shall be governed by RSA 674:33-a (as amended) a copy of which is included in the appendix.**