

ZONING AMENDMENTS APPROVED AT 2009 MARCH TOWN MEETING VOTE

P-09-12: Are you in favor of the adoption of an amendment as proposed by the Planning Board to the Plaistow Zoning Ordinance, Article XIV, Section 220-100, Impact Fees, Section D(3), to update the methodology as follows:

“...in a manner consistent with the methodology described in the document, “Impact Fee Update for Public Safety Facilities,” final report by Bruce Mayberry, April 30, 2008.”

Reason for change: Each impact fee must have some methodology for the computation of the impact fee. Bruce Mayberry updated the calculations for the Public Safety Impact fee and hence the zoning ordinance needs to be updated to reflect the latest calculation methodology. Bruce Mayberry was the consultant who was hired by the Planning Board to generate the methodology.

P-09-13: Are you in favor of the adoption of an amendment as proposed by the Planning Board to the Plaistow Zoning Ordinance, Article IV, Wetlands, as follows:

Add a new section to read as follows:

220-27. Shoreland Protection.

A. Any development or redevelopment within 250 feet of any shore of the Little River requires compliance with the State of NH Comprehensive Shoreland Protection Act, RSA 483-B.

B. Notes must be added to a site plan or subdivision plan that lists the State Shoreland Protection permit number or a note or notes stating why the State permit is not required.

C. In some cases, both a Dredge and Fill permit and a Shoreland Protection permit may be required. In case of a conflict between State and Local regulations, the stricter regulation shall apply.

Reason for change: The State of NH reclassified Little River as an Order 4 stream and hence it becomes necessary to meet all provisions of the Shoreland Protection Act (RSA 483-B) when any development activity is taking place within 250 feet of the Little River. This change links our local protection of the Little River to the State protections.

P-09-14: Are you in favor of the adoption of an amendment as proposed by the Planning Board to the Plaistow Zoning Ordinance, Article V, Establishment of Districts and District Regulations, Table 220-32B, Commercial I Zone, as follows:

Move uses 15 – 21 (allowed by special exception) to Permitted Uses and add Nursing/Convalescent Homes to Permitted Uses.

Reason for Change: This change makes uses 15 (Public use, limited to public safety and service), 16 (Accessory use), 17 (Storage of equipment/vehicles used to service a product), 18 (Essential service), 19 (Small industry), 20 (Multimodal park and ride lots), and 21 (Theaters) that are currently only allowed by special exception to be standard permitted uses. This change also adds Nursing/Convalescent homes to the list of permitted uses (previously permitted by special exception but inadvertently deleted by a previous change).

P-09-15: Are you in favor of the adoption of an amendment as proposed by the Planning Board to the Plaistow Zoning Ordinance, Article V, Establishment of Districts and District Regulations, Table 220-32G, Integrated Commercial/Residential Zone, as follows:

By removing Produce Stands and Day-Care facilities from uses allowed by special exception, and by adding Nursing/Convalescent Homes to Permitted Commercial/Industrial Uses.

Reason for Change: Produce stands and day-care facilities were approved last year as permitted uses; however they did not get removed from the allowed by special exception list. Nursing/convalescent homes were deleted in error by a previous zoning change; this change restores them as permitted uses.

P-09-16: Are you in favor of the adoption of an amendment proposed by the Planning Board to the Plaistow Zoning Ordinance, Article V, Establishment of Districts and District Regulations, Table 220-32J, Residential Conservation II Zone, as follows:

Add Home Occupation and In-Law apartment to the list of uses allowed by special exception.

Reason For Change: This change makes the RCII zone compatible with other residential zones regarding uses allowed by special exception.

P-09-17: Are you in favor of the adoption of an amendment proposed by the Planning Board to the Plaistow Zoning Ordinance, Article V, Establishment of Districts and District Regulations, Table 220-32G, Integrated Commercial/Residential Zone, paragraph C., Uses and Dimensions, as follows:

Update the lot coverage as follows:

(b) For commercial/industrial use only: 50%

(c) For combined uses: 50%

Reason for change: This change increases the lot coverage from 35% to 50% to allow more flexibility in the arrangement of buildings, driveways, and parking lots on the lot. Building sizes are also limited in size by this ordinance and no change to the building size is being proposed.

P-09-18: Are you in favor of the adoption of an amendment proposed by the Planning Board to the Plaistow Zoning Ordinance, Article VIII, In-Law Apartments, by modifying the following:

1. Modify the title of the ordinance from "In-Law Apartments" to "In-Law/Accessory Apartments". For consistency in nomenclature also modify all occurrences of "In-Law Apartment" to "In-Law/Accessory Apartment" in Article V, in the list of uses allowed by special exception.
2. Modify all occurrences of "in-law apartment" to "in-law/accessory apartment" in the text of Article VIII.

3. Replace paragraph 220-57.J in its entirety with the following text:

- J. Once the initial family member(s) ceases to occupy the unit and prior to it being occupied as a

rental unit, the property owner shall apply for a certificate of occupancy in the new tenant's name. Before a certificate of occupancy will be issued the unit shall be inspected for compliance with building and life safety codes. A new certificate of occupancy shall be issued each time there is a change in tenancy.

4. Replace paragraph 220-57.K in its entirety with the following text:

K. If a home that had a special exception for an in-law/accessory apartment is sold, the occupancy permit for the in-law/accessory apartment shall cease to exist. The new property owner shall make an application to the Zoning Board of Adjustment for a special exception for the in-law/accessory apartment prior to using the in-law/accessory apartment under the provision in letters A through J in this ordinance.

5. Add the following two (2) new paragraphs:

L. In-law/accessory apartments may be added to single-family residence, an attached garage, or a detached garage. The garage apartments may be added on the same floor as the garage proper or may be built as a second story to the garage.

M. For lots exceeding 160,000 square feet, an in-law/accessory apartment may be added as a stand-alone structure provided all other provisions of this ordinance are met.

Reason for Change: This change to the ordinance clarifies what happens when an in-law apartment is no longer occupied and when a new owner buys a residence that includes an in-law apartment and the new owner also wants to make use of the in-law apartment. It further clarifies locations where an in-law apartment may be added.

P-09-19: Are you in favor of the adoption of an amendment proposed by the Planning Board to the Plaistow Zoning Ordinance, Article IX, Signs, by modifying Section 220-58 title as follows: Section 220-58. All Districts

The following definitions shall apply to all sections of Article IX:

1. **Flag:** Only the official flags of countries, states, and government agencies (United Nations and US military flags) shall be considered flags for the purpose of this ordinance. All proper flag etiquette must be observed. Flags shall not be considered signs and shall be exempt from the provisions of this ordinance except that if more than one (1) flag is flown, there must be at least 30 feet between the flag poles or supporting structures.
2. **Sign:** Any material attached to a structure, a pole, or some object such as a rope or wire between structures, poles, or the ground shall be considered a sign and subject to the provisions of this ordinance.

Delete the definition of a sign that currently appears in Article II, Definitions.

Reason for Change: To add definitions that help to clarify what is regulated by this ordinance.

P-09-20: Are you in favor of the adoption of an amendment proposed by the Planning Board to the Plaistow Zoning Ordinance, Article IX, Signs, by replacing Section 220-62, Temporary Signs, paragraph B.(1).(a).[1] as follows:

[1]. No single business shall be issued a permit for a temporary sign more than nine (9) times in the same calendar year or for more than three (3) consecutive months.

Replace paragraph B.(1).(b).[1] as follows:

[1]. No single business shall be issued a permit for a temporary sign more than nine (9) times in the same calendar year or more than three (3) consecutive months.

Modify paragraph B(1)(b) as follows:

For business locations with eleven (11) or more businesses, no more than four (4) thirty-day permits shall be issued at the same time.

Reason to Change: To increase the number of times a temporary sign may be issued to a business in the same calendar year from 6 to 9. The change to B(1)(a)[1] is for business locations with 10 or fewer businesses and the change to B(1)(b)[1] is for business locations with 11 or more businesses. The final change increases the number of temporary sign permits from 2 to 4 for locations with 11 or more businesses.

P-09-21 : Are you in favor of the adoption of an amendment proposed by the Planning Board to the Plaistow Zoning Ordinance, Article IX, Signs, as follows:

Delete §220-58 (2) (a) & (b) Requiring Permits For Real Estate Signs

§ 220-58. All districts.

A. Signs may be erected for the following purposes:

(1) Nameplates and identification signs.

~~(2) **Property sale or rental signs.**~~

~~(a) **Real estate signs shall pay a one-time fee of as set forth in the Planning Board Fee Schedule.**~~

~~(b) **Sign shall indicate the street address and unit number and must be displayed in front of the unit.**~~

Reason for Change: To eliminate the requirement for Real Estate Signs to have a permit.

P-09-22 : Are you in favor of the adoption of an amendment proposed by the Planning Board to the Plaistow Zoning Ordinance, Article IX, Signs, as follows:

Add a New Section §220-61 (1) (a) To Permit One (1) Real Estate Sign Without a Permit In

Front Of a Property Only

§ 220-61. Prohibited signs.

A. The following types of signs are expressly prohibited in all districts unless otherwise provided for in this article:

(1) Off-site signs.

(a) Exemption: One (1) real estate sign may be placed in front of a parcel or unit for sale, lease or rent without a permit.

Reason for Change: To allow Real Estate Signs without a permit.

P-09-23: Are you in favor of the adoption of an amendment proposed by the Planning Board to the Plaistow Zoning Ordinance, Article IX, Signs, as follows:

Add Two (2) New Sections §220-62 G. And H. To Article IX (Temporary Signs)

G. If a business is issued two (2) consecutive notices of violation for the display of a temporary sign without a permit then no temporary sign permit shall be issued to that business for a period of six (6) months.

H. If a business has been suspended from obtaining a temporary sign permit, and a temporary sign is still displayed then a fine of \$50.00 per sign/per day may be assessed by the Code Enforcement Officer.

Reason for Change: To address those businesses that continued to display temporary signs without permits after multiple notices of violation.

P-09-24: Are you in favor of the adoption of an amendment proposed by the Planning Board to the Plaistow Zoning Ordinance, Article IX, Signs, as follows:

Add a new section §220-59 B (4) (Freestanding Commercial/Industrial Signs)

§ 220-59. Commercial I and Industrial Districts.

B. Freestanding signs.

(4) *The Building Inspector may grant a permit for a single sign for a single business provided the sign is in keeping with the intent expressed in this article and provided its dimensions are no more than 50 square feet, if 20 square feet of that freestanding sign is permanently dedicated as a manual reader board.*

Reason for Change: To allow a single business on its own single lot to have a larger freestanding sign if a portion of that sign is a reader board.

P-09-25: Are you in favor of the adoption of an amendment proposed by the Planning Board to the Plaistow Zoning Ordinance, Article IX, Signs, by modifying Section 220-58, paragraph B, Exempted signs, as follows:

Add the following text to paragraph B, Exempted signs, “Exempted signs do not count in sign totals and hence do not need a permit”

Add the following new exemptions:

(2). Signs no larger than three (3) feet by five (5) feet with one (1) of the following words, “Open”, “Closed”, or “Welcome”. Only one (1) of these signs may be displayed at the same time to qualify for the exemption.

(3). Help Wanted signs

(4). Political signs

Reason for Change: To help clarify what is considered an exempt sign by this ordinance.

P-09-26: Are you in favor of the adoption of an amendment proposed by the Planning Board to the Plaistow Zoning Ordinance, Article V, Establishing Districts and District Regulations, by splitting the current Industrial zone into 2 zones Industrial I, and Industrial II as described below:

The Industrial II zone shall be bounded to the east by Rt. 125, to the north by the Plaistow/Kingston state line, to the south by Old County Rd, and to the west by the current Industrial zone boundary. Any proposed use must not violate 220-5., Prohibited Uses.

The Industrial I zone shall be all of the remaining parcels in the current Industrial zone. Please refer to the proposed revised zoning map for further details.

In order to accomplish the splitting of the Industrial zone, the following changes must also be made:

1. Modify section 220-28., Establishment of districts; Zoning Map, paragraph by modifying the zone described as “IND – Industrial” to “IND I – Industrial I” and add a new line immediately below the IND line as follows: “IND II – Industrial II”.

2. Modify Table 220-32A to rename the zone from “IND’ – Industrial “to “IND1’ – Industrial I”.

3. Add the following text to the end of Table 220-32A, paragraph A: “One of the major characteristics of this zone is its proximity to the rail line which carries both freight and passenger service and should favor those industries that are able to take advantage of the rail connection. The zone is also surrounded by residential uses and in general does not have good access to a major thoroughfare such as Rt. 125. These areas are extremely traffic sensitive and noise and dust issues will be of paramount importance. Any proposed use must not violate 220-5., Prohibited Uses.

4. Add a new permitted use as follows: “16. Rail services and rail stations”

5. Remove the following uses: “10 – Aviation use” and “14 – Bank”.

6. Add a new table, Table 220-32K, “INDII’ – Industrial II” as follows:

Table 330-32K

“(INDII)” – Industrial II

A. Objectives and characteristics. The purpose of this district is to provide locations for the establishment of plants to improve employment opportunities and broaden the tax base in the community. These areas should be selected so that they will not adversely affect developed residential areas, will have good access to transportation facilities, and will have the potential for being served by public water and sewer systems. A variety of types of manufacturing activities, distribution facilities, and offices should be permitted as well as certain support facilities, especially of a commercial nature.

B. Uses

Permitted Uses

Allow by special exception

- | | |
|---|---------|
| 1. Light industry | 1. None |
| 2. Warehouse | |
| 3. Recycling facility (construction debris, household waste, and trash facilities are expressly prohibited) | |
| 4. Outdoor storage | |
| 5. Contractor's yard | |
| 6. Publishing | |
| 7. Research and testing labs | |
| 8. Office | |
| 9. Essential service | |
| 10. Aviation use | |
| 11. Public use limited to public safety, service, and recreation | |
| 12. Accessory use | |
| 13. Mini-storage | |
| 14. Bank | |
| 15. Bank kiosk | |

C. Areas and dimensions.

- (1) Minimum lot size:
 - (a) Area 80,000 square feet.
 - (b) Frontage: 150 feet.
- (2) Minimum yard dimensions: Refer to Table 220-32I.
- (3) Maximum lot coverage: 75%
- (4) Maximum height: 45 feet or three stories whichever is less.
- (5) Minimum building setback: 50 feet from the front property line.

D. No certificate of occupancy for any bank or bank kiosk use may be granted before at least one certificate of occupancy has been issued for an industrial use.

E. In an industrial development, no more than 10% of the total building footprint for the development can be used for bank or bank kiosk uses.

F. The intent of allowing a bank or bank kiosk in an industrial zone is to provide a convenient service for the employees of the industries in an industrial zone.

Reason For Change: The purpose of this modification is to split the current industrial zone into two (2) different zones so that the unique attributes of both zones can be better matched to permitted uses. Recycling facility is being added as an allowed use in the Industrial II Zone, and Rail Services and Station is being added as an allowed use in the Industrial I Zone.

P-09-27: Are you in favor of the adoption of an amendment proposed by the Planning Board to the Plaistow Zoning Ordinance, Article II, Definitions, by replacing the current definition of “Industry (Light)” and by adding a new definition of “Industry (Heavy)” as follows:

“Industry” (Light): Enterprises using processed or previously manufactured materials engaged in the processing, manufacturing, compounding, assembly, packaging, treatment, or fabrication of materials and products. Light industry is capable of operation in such a manner as to eliminate at the property border the external effects of the manufacturing process, such as smoke, noise, soot, dirt, vibration, odor, harmful wastes, etc. Traffic impact on surrounding residential neighborhoods must be minimal. A machine shop is included in this category. Also included is the manufacturing of apparel, electrical appliances, electronic equipment, camera and photographic equipment, ceramic products, cosmetics and toiletries, business machines, fish tanks and supplies, food, paper products (but not the manufacture of paper from pulpwood), musical instruments, medical appliances, tools or hardware, plastic products (but not the processing of raw materials), pharmaceuticals or optical goods, bicycles, and any other product of a similar nature. Warehousing, wholesaling, and distribution of the finished products produced at the site is allowed as an ancillary use. "Light industrial" shall not include uses such as mining and extracting industries, petrochemical industries, rubber refining, primary metal, concrete, cement or asphalt manufacture or related industries. Light Industrial uses not contained in the above definition must be judged to be compatible with the surrounding residential neighborhoods prior to being allowed, and not being a prohibited use as defined in 220-5 of this ordinance. Any industrial use that doesn't meet the definition of light industry will be considered heavy industry.

“Industry” (Heavy): All uses not defined as light industry and judged by the Planning Board not to be a prohibited use as defined in 220-5 of this ordinance.

Reason for Change: To further refine the definition of light industry and to provide a new definition of heavy industry.

P-09-28: Are you in favor of the adoption of an amendment to the “Town of Plaistow March, 2007 Zoning Map” to rezone a parcel located off of Duston Avenue in the Medium Density Residential (MDR) District to CII, including the Village Center Overlay District as depicted in a diagram.

Reason for Change: As requested by property owner. Property owner unaware of original rezoning enacted by the Planning Board in 2007.