

Town of Derry

"Derry, New Hampshire's Place to Be"

LEGAL NOTICE

The Planning Board for the Town of Derry will hold a public hearing on **Wednesday, May 15, 2019 at 7:00 p.m.** at the Derry Municipal Center (3rd Floor), 14 Manning Street, to review the following proposed amendments to the Town of Derry Zoning Ordinance.

To amend the Town of Derry Zoning Ordinance, Article III, General Provisions, to ADD Section 165-14.1, Electronic Vehicle Charging Stations, to all the use in all zoning districts with restrictions, and to AMEND Article VI, District Provisions, Section 165-33.B.25 and Section 165-49.B.20 to remove Electronic Vehicle Charging Stations as a permitted use.

Full text of the proposed amendment is available at the Office of the Town Clerk, 14 Manning Street, the Derry Public Library at 64 East Broadway, and the Planning Department at 14 Manning Street. The proposed amendment may also be viewed on line at <http://www.derrynh.org/planning-board>

POSTED: APRIL 29, 2019

Derry Municipal Center

Derry Public Library & Taylor Library (by e-mail)

Union Leader for publication May 03, 2019

Purpose of amendment: to allow Electronic Vehicle Charging Stations in all zones

ARTICLE III GENERAL PROVISIONS

Section 165-13 Parking For Non-Residential Uses

Any non-residential use established or expanded after the effective date of this chapter shall have adequate parking for employees and customers in compliance with the Land Development Control Regulations. (Revised 07/16/2015)

Section 165-14 Churches

Churches, together with their customary accessory uses, such as a school directly connected to and controlled by a church, shall be permitted in any zoning district of the Town of Derry with the exception of the Industrial IV zone. (Revised 06/14/2012, 07/04/2013)

Section 165-14.1 Electronic Vehicle Charging Stations

Electronic Vehicle Charging Stations shall be permitted in any zoning district of the Town of Derry in a parking lot that contains six (6) or more designated parking spaces.

Section 165-15 Offensive Uses

No use that is injurious, noxious, or offensive to the neighborhood by reason of emission of odor, fumes, dust, smoke, vibration, noise, or other cause shall be permitted in any district.

ARTICLE VI DISTRICT PROVISIONS

Section 165-33 Central Business District (CBD) (Effective 2/16/01)

A. Purpose. The Central Business District is established for the purpose of encouraging appropriate uses to occur within an area of the community where the predominant character has been and will continue to be historical, municipal, cultural, residential, and commercial. It is intended that the types of land use activities that would be allowed within the district would not have a severe detrimental impact on existing historical, residential uses, or traditional commercial, or cultural uses which continue to be maintained in the district. In order to promote this purpose the Planning Board as set forth in this section shall be authorized to adopt architectural design regulations for this district.

B. Permitted uses. The following uses shall be permitted: (Revised 07/16/2015)

1. Single family dwelling units existing as of July 16, 2015, shall be considered legal permitted uses.
2. Hotels
3. Bed and Breakfasts
4. Inns
5. Multi-unit residential uses are only permitted as a mixed use in conjunction with permitted non-residential uses, subject to the following limitations:
 - a. New construction – the density shall not exceed 12 dwelling units per acre.
 - b. All residential units permitted under this sub-section shall be:
 - i. A minimum of 800 square feet per unit.
 - ii. Limited to one or two bedroom units.
 - iii. Prohibited below the third floor.
 - c. Conversion —
 - i. Existing structures may be converted for multi-unit residential uses, provided that the lot and the structure meet the minimum standards for this district with respect to area and dimensional requirements, buffer zones, off-street parking and height limitations.
 - ii. Any conversion which involves an existing non-residential or multi-family use, or one which would result in the creation of a combination of non-residential and residential use, or which would result in the creation of a multi-unit dwelling, shall be subject to review and approval by the Planning Board in accordance with Section 165-16 of this chapter and Chapter 170, Land Development Control Regulations.
6. Retail Sales Establishment
7. Pharmacy
8. Banks
9. Transportation Center
10. Travel Agent
11. Commercial Service Establishments
12. Contractor

13. Indoor Recreational Facility
14. Commercial Performing and Fine Arts Schools and Studios (Effective 08/06/2015)
15. Professional Office
16. Office
17. Restaurant
18. Library
19. Public/Private Educational Facility
20. Radio and Television Broadcasting Studios exclusive of transmitter facilities (upper levels only)
21. Home Occupations (located in single family dwellings existing as July 16, 2015)
22. Parking Facilities
23. Light Manufacturing
24. Any public use or use by a semi-public agency whose activities are primarily non-profit in nature.
25. ~~Electric Vehicle Supply Equipment~~

C. Area and dimensional requirements

1. Minimum Lot area:
 - a. With public sewer – 30,000 square feet
 - b. Without public sewer – one acre, plus 10,000 square feet for each 200 gallons per day of sewage effluent after the first 200 gallons per day, unless the owner can show adequate plans for sewage disposal on a smaller lot.
2. Minimum Frontage Requirement: 50 feet. (Effective 11/21/03)
3. Minimum Lot Width 50 feet at the 10-foot setback line.
4. Maximum Yard Depth: Front yard – 8 feet.
5. Minimum Yard Depth: (Revised 07/16/2015)
 - a. Side yard: 5 feet.
 - b. Rear yards: 10 feet.
6. Maximum Building or Structure Height. No building or structure within this district shall be higher than 350 feet above sea level in elevation. (Revised 07/16/2015)
7. Lots existing as of July 16, 2015, regardless of area or frontage, are considered buildable lots provided all other applicable requirements are met. (Effective 07/16/2015)

Section 165-49 Traditional Business Overlay District (TBOD) (Effective 2/16/01)

A. Purpose.

1. To protect and preserve this traditional character of Derry's older Central Business District, we are establishing an overlay district within the Central Business District to be known as the "Traditional Business Overlay District." The Traditional Business Overlay District's purpose is to maintain a consistent and recognizable land use policy within the core of the Central Business District. The core represents the gateway into our community. It represents Derry's history, culture, and uniqueness from other New Hampshire communities. It is the nucleus for Derry's business, governmental, social, and cultural activities.

2. It is intended that land use activities allowed within this district will serve to compliment and enhance existing historical, residential, commercial, and cultural uses. It is intended to promote an attractive and appropriate streetscape, creating a quality downtown image. New construction, reconstruction, rehabilitation, and demolition should be performed in such a way as to preserve and /or build on Derry's uniqueness. To that end, this sub-district will overlay the core of the Central Business District. In the event of a conflict between the requirements of this section and the permitted uses within the Central Business District, the requirements of this section shall take precedence. In order to promote this purpose the Planning Board, as set forth in this section, shall be authorized to adopt architectural design regulations for this district.

B. Permitted uses. The following uses shall be permitted: (Revised 07/16/2015)

1. Multi-unit residential, dwelling unit as a mixed use in conjunction with permitted non-residential use, subject to the following limitations: (Effective 4/18/03)
 - a. All residential units shall be a minimum of 800 square feet per unit limited to one or two bedroom units.
 - b. Residential use shall not be permitted below the third floor. (Revised 07/16/2015)
 - c. No building or structure within this district shall be higher than 350 feet above sea level in elevation. (Revised 07/16/2015)
 - d. Conversion: Existing structures may be converted for multi-unit residential uses, provided that the lot and the structure meet the minimum standards for this district with respect to area and dimensional requirements, buffer zones, off-street parking, and height limitation. Any conversion which involves an existing non-residential or multi-family use, or one which would result in the creation of a combination of non-residential and residential use, or which would result in the creation of a multi-unit dwelling, shall be subject to review and approval by the Planning Board in accordance with Section 165-16 of this chapter and Chapter 170, Land Development Control Regulations.
2. Retail Sales Establishment
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4. Banks
5. Transportation Center
6. Travel Agent
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