



STAFF REPORT

Public Hearing 1-28-2020

AGENDA ITEM #: 20-02
COUNCIL MTG OF: January 7, 2020
FROM: Dave Caron, Town Administrator
OFFERED BY: Planning Department
PREPARED BY: George Sioras, Planning Director
SUBJECT: Revisions to the Derry Zoning Ordinance

INTRODUCTION:

To AMEND Article II, Word Usage and Definitions, Section 165-5, Definitions, to add definitions relating to Sports Wagering, and to AMEND Article IV, Districts, Section 165-32, General Commercial, Section 165-32.3, General Commercial IV, and Section 165-42, Industrial IV District to amend the list of permitted uses.

TOWN ADMINISTRATOR COMMENTS

The Town Council is encouraged to schedule a public hearing on January 21, 2020, and thereafter adopt Ordinance 2020-001 which would allow sports betting in retail locations located in certain zones. The Council will be requested to hold another public hearing on February 18, 2020 after which the Council may direct that the question be placed before the voters at the March elections.

BACKGROUND

The State Legislature recently authorized sports betting in New Hampshire. Licenses will be granted by the state to up to 10 sports book retail locations and 5 mobile sports wagering platforms throughout the State. The retail establishments will be operated by the private sector, but local voter approval is required in order to allow the Lottery Commission the ability to issue a license within the community. At its meeting on September 17, 2019 the Town Council requested the Planning Board, Planning Department staff and the Economic Development Office to review zoning districts in the Town of Derry where this type of use could be located. Staff had provided the Town Council with a recommendation. There was a good discussion with regard to the merits of locating the use within certain zones. The Town Council asked the Planning Board to consider adding Sports Betting as a permitted use in certain zones and to exclude the Central Business District and any residential zone.

DISCUSSION

The Planning Board held workshop meetings on October 2, 2019, and November 6, 2019, to discuss Sports Wagering as a permitted use in the zoning as well as decide which zoning districts would be the best locations for such use. The Planning Board also discussed the zoning

amendment at its November 20, 2019 meeting as well as the Planning Board Public Hearing on December 18, 2019.

After several meetings discussing the sports wagering legislation, the Planning Board and staff recommended that Sports Wagering be allowed as a permitted use in the General Commercial, General Commercial IV, and Industrial IV Zoning Districts.

FISCAL IMPACT

Although the Town would not receive commissions or other direct compensation from any sports book retail locations to be situated in Derry, the Town would benefit from additional economic development activity which will impact other sectors of the business/commercial sectors.

RECOMMENDED ACTION BY COUNCIL

Staff recommends that the Town Council approve the attached revision to the Derry Zoning Ordinance as unanimously approved by the Planning Board on December 18, 2019.

RECOMMENDED MOTION

After the public hearing on January 28, 2020, I MOVE THAT THE TOWN COUNCIL <adopt Ordinance #2020-001> as follows ... *[Please read the Ordinance]*



* * * * *