



STAFF REPORT

Public Hearing 7-11-23

AGENDA ITEM #: 23-71
COUNCIL MTG OF: June 20, 2023
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 the Town of Derry Zoning Ordinance, Article V, Zoning Map and District Boundaries, Section 165-30, Zoning Map, to redistrict twenty-three (23) properties from the Traditional Business Overlay District to the Central Business District.

TOWN ADMINISTRATOR COMMENTS

The Council is urged to support the Planning Board's recommendations after the July 11, 2023 public hearing.

BACKGROUND

The Planning Department and Planning Board began reviewing potential redevelopment projects in the Traditional Business Overlay District (TBOD) for parcels that previously had been located in the Central Business District. When the town expanded the TBOD to the side streets on both north and south of East and West Broadway last year, both staff and the Planning Board came to the conclusion that the requirements of the TBOD created a challenge to the side street parcels in terms of setbacks, parking, access, landscaping, etc. and was prohibiting redevelopments projects to move forward. These regulations were not practical in comparison to the scale of development and buildings along the frontage lots of East and West Broadway. Given these challenges the Planning Board created a subcommittee to review the zoning requirements in conjunction with staff and legal counsel and began to work to revise the zoning in the TBOD and Central Business District. (CBD).

DISCUSSION

The Planning Board held five workshop meetings beginning in October 2022, did a site walk in February 2023, and held a Public Hearing on June 7, 2023. As a result of the site walk in February both the Planning Board and staff got to see firsthand, and in a very practical, real world sense, the limitations and challenges of the existing zoning on the side streets of both the north and south side of East and West Broadway. It was during the site walk that the Planning Board decided to move forward with rezoning the parcels on the north side of East and West Broadway and continue to work on the south side of East and West Broadway over the next

few months. As a result, the Planning Board agreed to move 23 parcels from the TBOD to the CBD.

FISCAL IMPACT

Redevelopment opportunities as a result of this zoning amendment will increase the downtown/CBD tax base and generate more revenues for the Town.

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 June 7, 2023.

RECOMMENDED MOTION

Please see Ordinance #2023-003

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ORDINANCE

Number 2023-003

Amend Article V, Zoning Map and District Boundaries, Section 165-30, Zoning Map, to Redistrict 23 properties to the Central Business District

WHEREAS, Section 5.1 of the Town Charter designates the Town Council as the governing and legislative body of the Town, and pursuant to Section 6.1, the Council shall legislate by ordinance; and

WHEREAS, the Planning Board has been reviewing allowable uses, densities, and boundaries in the Downtown, and

WHEREAS, the orderly redevelopment of the area requires that certain properties be rezoned back into the Central Business District; and

WHEREAS, the Planning Board has held the requisite public hearing and voted to recommend this amendment to the Town Council;

NOW, THEREFORE, THE TOWN OF DERRY ORDAINS that the Derry Zoning Ordinance is hereby amended as follows:

To AMEND Article V, Zoning Map and District Boundaries, Section 165-30, Zoning Map, to refine the boundaries of the Traditional Business Overlay District by reverting 23 properties back into the Central Business District.

This Ordinance shall take effect thirty days after its adoption.

Adopted: July 11, 2023

Attest:

X _____
Charles Foote, Council Chair

X _____
Cristina Guilford, Town Clerk

Date: _____

Date: _____

"Derry, New Hampshire's Place to Be"



PLANNING DEPARTMENT

CERTIFICATE

The Derry Planning Board hereby certifies to the Clerk of Council of the Derry Town Council that on **June 07, 2023**, the Planning Board, by unanimous vote during a duly noticed public hearing, **APPROVED** the attached revision to the Derry Zoning Ordinance and is hereby forwarding said proposed revision for consideration by the Derry Town Council.

To amend Article V, Zoning Map and District Boundaries, Section 165-30, Zoning Map, to redistrict twenty-three (23) properties from the Traditional Business Overlay District to the Central Business District.

The purpose of the amendment is to allow for redevelopment potential of the affected lots.