

SUMMARY OF ZONING CHANGES

Section 1: Purpose - Language modernized but not substantively changed.

Section 2: Districts - No new districts or overlay districts created or eliminated. No substantive changes.

Section 3: Use Regulations - Section 3.2: New accessory use and structure regulations.
Section 3.3: New home occupation regulations. Use and Parking Table updated.

Section 4: Dimensional Regulations – No district requirements for area, frontage, yards, height or coverage changed except in the BP District. Otherwise, no substantive changes.

Section 5: Nonconformities – Completely revised to reflect case law since 1990. ZBA review of nonconforming single family homes streamlined. New rules for demolition and rebuild.

Section 6: General Regulations –

Section 6.1: Parking regulations largely unchanged. Special permit provision added for allow for less parking when no detriment will result.

Section 6.2: Sign regulations substantively unchanged. Special permit provision to allow for larger or more signs when no detriment will result.

Section 6.3: New performance standards for lighting, noise, landscaping, stormwater management, site development, traffic, aesthetics, and utilities. To be applied in special permit or development review for multifamily, nonresidential, or mixed uses.

Section 7.0: Special Regulations –

Section 7.1: Office Use and Funeral Home regulations unchanged.

Section 7.2: Earth Removal regulations unchanged.

Section 7.3: Auto Storage regulations unchanged.

Section 7.4: Water Storage Fencing regulations unchanged.

Section 7.5: Wireless Service Facility regulations unchanged.

Section 7.6: Coin Operated Machine regulations unchanged.

Section 7.7: Access Regulations unchanged:

Section 7.8: Solar Energy System regulations updated to include roof-mounted and medium/small scale ground mounted facilities.

Section 7.9: Adult Use regulations updated to comply with U.S. Supreme Court holdings.

Section 8: Special Residential Regulations –

Section 8.1: Accessory apartment regulations unchanged.

Section 8.2: Multifamily regulations unchanged.

Section 8.4: Flexible Development regulations added to encourage alternative development design in larger residential districts.

Section 8.5: Planned Development District regulations added to encourage alternative residential or commercial development in districts with greater density allowances.

Section 9: Special Districts -

Section 9.1: Floodplain Overlay District: Renumbered but unchanged.

Section 9.2: Water Supply Protection District: Renumbered but unchanged.

Section 9.3: Waterfront District: Renumbered but unchanged.

Section 9.4: Medical Marijuana Overlay District: Renumbered but unchanged.

Section 9.5: Merrimack Street Gateway District: Renumbered but unchanged.

Section 9.6: Campus Area District: Renumbered but unchanged.

Section 9.7: Licensed Marijuana Overlay Zone: Renumbered but unchanged.

Section 9.8: Downtown Smart Growth District: Renumbered but unchanged; moved out of the Ordinance due to space.

Section 10: Administration and Enforcement – Section 10.1 Building Commissioner, Section 10.2: ZBA, Section 10.3: Planning Board, Section 10.4: Special Permits, section 10.5: Repetitive Petitions, and Section 10.6: Clerk of the Works revised but not substantively changed.

Section 10.7: Request for Reasonable Accommodation and Section 10.8: Site Plan Review for Dover Amendment Uses are new and address recent developments in federal and state law.

Section 11: Definitions – new definitions added as needed, some existing definitions deleted or modified.

SUMMARY OF TABLE CHANGES

Table 1: Table of Use and Parking Regulations

Language updated and simplified throughout the table.

For example: 'Convenience Retail' replaces 'Establishments offering principally convenience items, services, and/or proprietary goods as specified herein'

Section A. Residential Uses -

New Uses

- Flexible development
- Long-term care facility (replaces Nursing Home)
- Assisted living residence (replaces Nursing Home)

Removed Uses

- Cluster residential development
- Planned unit development

Section G. Eating, Drinking and Entertainment Establishments -

New Use: Cocktail lounge or bar, with no live entertainment and/or dancing

*Special permit from BA required in Washington Street Historic District

Section K. Accessory Uses -

New Use: Trailers

Table 2: Table of Dimensional and Density Regulations

RS replaces SC

RR altered to allow for smaller lot area

- Minimum lot area changed to 40,000 sq. feet from 80,000 sq. feet

CN altered to allow for Village Centers

- Front setback changed to 10' min., 20' max from 20'
- Side setback changed to 10' from 15'
- Rear setback changed to 20' from 30'
- Maximum height changed to 45' from 35'
- Maximum stories changed to 3 from 2.5
- Maximum Floor Area Ratio (FAR) changed to 0.85 from 0.50

BP altered to allow for denser business parks

- Front setback changed to 10' Max from 40'
- Maximum height changed to 85' from 50'
- Minimum open space changed to 10% from 20%