

PLANNING AND ECONOMIC DEVELOPMENT COMMITTEE

APRIL 27, 2023

7:00

Aldermanic Chamber

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**PUBLIC HEARING**

**O-23-047**

**AMENDING THE LAND USE CODE REGARDING MINOR SITE PLAN  
AMENDMENTS TO PERMIT SEASONAL OUTDOOR DINING APPROVALS**

**O-23-051**

**AMENDING THE LAND USE CODE REGARDING THE APPLICATION OF THE SIGN ARTICLE TO GOVERNMENTAL  
SIGNAGE AND THE APPROVAL OF SIGN PERMITS THROUGH THE SITE PLAN REVIEW PROCESS**

ROLL CALL

TESTIMONY

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**REGULAR MEETING**

ROLL CALL

PUBLIC COMMENT

DISCUSSION

COMMUNICATIONS

UNFINISHED BUSINESS

**O-23-047, Amended**

Endorsers: Mayor Jim Donchess  
Alderman Patricia Klee  
Alderman-at-Large Michael B. O'Brien, Sr.  
Alderman Richard A. Dowd  
Alderman Derek Thibeault

**AMENDING THE LAND USE CODE REGARDING MINOR SITE PLAN AMENDMENTS TO PERMIT SEASONAL  
OUTDOOR DINING APPROVALS**

**O-23-051**

Endorser: Alderman Richard A. Dowd

**AMENDING THE LAND USE CODE REGARDING THE APPLICATION OF THE SIGN ARTICLE TO  
GOVERNMENTAL SIGNAGE AND THE APPROVAL OF SIGN PERMITS THROUGH THE SITE PLAN REVIEW  
PROCESS**

NEW BUSINESS – RESOLUTIONS

NEW BUSINESS – ORDINANCES

TABLED IN COMMITTEE

GENERAL DISCUSSION

PUBLIC COMMENT

REMARKS BY THE ALDERMEN

ADJOURNMENT



## ORDINANCE

### AMENDING THE LAND USE CODE REGARDING MINOR SITE PLAN AMENDMENTS TO PERMIT SEASONAL OUTDOOR DINING APPROVALS

### *CITY OF NASHUA*

*In the Year Two Thousand and Twenty-Three*

*The City of Nashua ordains* that Part II “General Legislation”, Chapter 190 “Land Use”, Part 3 “Procedures”, Article XIV “Administrative Procedures”, Section 190-131 “Minor site plan amendments” of the Nashua Revised Ordinances, as amended, be hereby further amended by adding the new underlined language as follows:

**“§ 190-131. Minor site plan amendments.**

- A. Applicability. No changes may be made to any approved site plan or preexisting as-built plan prior to the Site Plan Ordinance[1] adoption except upon application as follows:
- (1) Major amendments. If it is determined by the Planning Director that the proposed change is not a minor amendment as defined below, the applicant's amendment shall follow the procedures for site plans prescribed in § 190-146.
  - (2) Minor amendments. The Planning Department shall review minor amendments for overall consistency with the approved site plan or as-built site for all zoning districts including overlay districts and for compliance with the standards below. For the purposes of this section, a minor amendment by definition is an administrative decision and does not constitute a site plan. The Planning Director or his authorized designee shall approve, conditionally approve, disapprove, or refer the request to the Planning Board. The applicant may appeal the Planning Director's decision to the Planning Board. The procedures and standards for minor amendments are as follows:
    - (a) Minor changes in the color, exterior appearance, lot coverage, location, siting and height of buildings and structures or divisional walls may be authorized by the Planning Director if required for

reasons or other circumstances not foreseen at the time the site plan was approved. No change authorized by this subsection may increase the dimensions of any building or structure by more 10% in the aggregate, or permit an accessory structure whose size is greater than 10% of the area of the principal building or structure. Changes in landscaping such as plant materials, minor alterations in the location of plantings, changes in plant quantities or sizes, changes to the location of internal sidewalks, or changes in location or number of parking spaces may be authorized by the Planning Director.

- (b) The Planning Director may require a revised site plan or as-built plan delineating all approved changes.
- (c) Temporary structures may be approved by the Planning Director upon the issuance of a temporary certificate of use for a period not to exceed 24 months. The structures must be promptly removed at the conclusion of the approval period, and the site returned to the approved final development plan requirements. In no event shall any property owner acquire a vested right to maintain such temporary structure beyond the twenty-four-month period provided in this section. This requirement is in addition to those of the Building Code. The Planning Director may approve an extension for an additional 24 months.
- (d) Changes in uses depicted and permitted on the approved site plan or approved as-built plan may be approved by the Planning Director provided it is a permitted use within the zoning district, or where a special a special exception or use variance is granted by the Zoning Board of Adjustment.
- ~~(e) Seasonal Outdoor Dining associated with Restaurant uses may be approved as a Minor Site Plan amendment. Outdoor dining areas approved for seasonal use may not create any land use code non-conformities and shall comply with all applicable codes. Approvals shall be renewed annually for each calendar year via a new minor site plan amendment application. Outdoor dining minor site plan amendment applications shall be exempt from the fees required by § 190-267(A)(3), with the exception of a \$25 annual permitting fee.~~

B. Appeals. The applicant may appeal the Planning Director’s decision to the Planning Board.”

All other ordinances or parts of ordinances inconsistent herewith are hereby repealed.

This ordinance shall become effective immediately upon passage.



## ORDINANCE

### AMENDING THE LAND USE CODE REGARDING THE APPLICATION OF THE SIGN ARTICLE TO GOVERNMENTAL SIGNAGE AND THE APPROVAL OF SIGN PERMITS THROUGH THE SITE PLAN REVIEW PROCESS

### *CITY OF NASHUA*

*In the Year Two Thousand and Twenty-Three*

*The City of Nashua ordains* that Part II “General Legislation”, Chapter 190 “Land Use”, Part 2 “Zoning Districts and Supplemental Use Regulations”, Article X “Signs” of the Nashua Revised Ordinances, as amended, be hereby further amended by adding the new underlined language and deleting the struck-through language as follows:

**“§ 190-94. Sign permits.**

- A. Applicability. No sign may be established without a sign permit issued by the Administrator, unless exempted by this subsection.
- B. Permit not required. The following signs do not require sign permits and are permitted in all zoning districts:

...

~~(8) — Signs that are clearly shown on a site plan approved by the Planning Board.~~

...

...

**§ 190-110.1. Municipal government signs.**

Notwithstanding any other provisions of this Article, signs proposed to be erected by the City of Nashua related to a government use are permitted in every zoning district by

Special Exception by the Zoning Board of Adjustment in accordance with Section 190-134. “Governmental use” shall be as defined by RSA 674:54, I. In addition to all application requirements of Section 190-134 and any other provisions of this Chapter, an individual Special Exception application shall be submitted for each provision of this Article which but for this Section would prohibit such sign.”

All other ordinances or parts of ordinances inconsistent herewith are hereby repealed.

This ordinance shall become effective immediately upon passage.

**LEGISLATIVE YEAR 2023**

**RESOLUTION:**

**O-23-051**

**PURPOSE:**

**Amending the Land Use Code regarding the application of the Sign Article to governmental signage and the approval of sign permits through the site plan review process**

**ENDORSERS:**

**Alderman Richard A. Dowd**

**COMMITTEE  
ASSIGNMENT:**

**Planning and Economic Development Committee  
Planning Board**

**FISCAL NOTE:**

**May result in additional public notification costs.**

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**ANALYSIS**

This legislation amends the City's Land Use Code by amending the Sign Article to require a special exception for all governmental signage that would not otherwise comply with the ordinances regarding signs. The legislation also removes a permitting exemption for signage shown on a site plan approved by the Planning Board.

State statute (RSA 675:2) and NRO Section 190-132 require a public hearing and referral to the city planning board. The public hearing is conducted by the aldermanic planning and economic development committee with notice published in a newspaper of general circulation and posted in two public places at least 10 calendar days prior to the date of the hearing. The notice period does not include the day notice is posted or the day of the public hearing. (RSA 675:7, I) Under RSA 676:12 and NRO Section 105-3, no building permit may be issued after the legal notice has been posted if the proposed changes would, if adopted, justify refusal of the permit. This limitation applies for a period of 120 days.

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**Approved as to form:**

**Office of Corporation Counsel**

**By:**

*Douglas Clarke*

**Date:**

*21 March 2023*