



ORDINANCE

AMENDING THE 'LAND USE CODE' BY ADDING PROVISIONS REGARDING DRUG REPLACEMENT THERAPY FACILITIES

CITY OF NASHUA

In the Year Two Thousand and Ten

The City of Nashua ordains that Chapter 190 "Land Use" of the Nashua Revised Ordinances, as amended, be hereby further amended as follows:

1. In Article III "Base Districts", Section 190-15 "Permitted Uses", Table 15-1 "Use Matrix", add the following new entry:

Use	Land Use Code			Zoning District														
	LBCS Function	LBCS Structure	NAICS	R-40	R-30	R-18	R-9	R-A	R-B	R-C	LB	GB	D-1	D-3	HB	PI	AI	GI
247-a. Drug replacement therapy facility				-	-	-	-	-	-	-	-	C	-	-	C	-	-	-

2. In Article VI "Supplemental Use Regulations", add the following new section:

“§ 190-41.1. Drug replacement therapy facilities.

- A. Applicability. This section applies to any new or expanded drug replacement therapy facility, as defined in § 190-264, whether sited in a new or existing building.
- B. Location. Drug replacement therapy facilities are permitted as a conditional use in the General Business (GB) and Highway Business (HB) Zone Districts (see § 190-15, Table 15-1). Notwithstanding Table 15-1, no drug replacement therapy facility shall be located within one thousand feet of another such facility, nor within one thousand feet of any residence, daycare facility, school, college, park, or playground.

C. Standards.

- (1) Any new or expanded drug replacement therapy facility requires site plan and conditional use permit approval by the Nashua Planning Board.
- (2) A facility management plan shall be submitted to the Planning Board with the site plan. The management plan shall, at a minimum, describe the population to be served and number of clients, the services to be provided, and methods of treatment, including the identification of controlled substances to be kept on site. The plan shall also address staffing requirements, hours of operation, and security provisions to prevent the theft or misuse of controlled substances. Copies of all other licenses and permits required shall be included with the plan.
- (3) The applicant must demonstrate to the Planning Board that the property is adequate to accommodate the patient load, including providing sufficient interior space to avoid patient queuing on sidewalks, in parking areas, and in other areas outside of the facility.
- (4) Hours of operation of the facility shall commence no earlier than 7:00 AM and end no later than 6:00 PM.
- (5) The facility shall offer outpatient services only. No beds or any form of overnight accommodations are permitted.
- (6) Outdoor advertising shall be limited to one sign with an area no greater than twelve square feet.”

3. In Article XLII “Definitions”, Section 190-264 “Definitions”, add the following two new definitions in the appropriate alphabetical order:

“DRUG REPLACEMENT THERAPY – Treatment for addiction to illicit drugs with medication prescribed by a physician.

DRUG REPLACEMENT THERAPY FACILITY – Clinic or other facility under the supervision of a trained medical professional and used primarily for drug replacement therapy.”

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

This ordinance shall take effect upon passage.

LEGISLATIVE YEAR 2010

ORDINANCE: O-10-13

PURPOSE: Amending the "Land Use Code" by adding provisions regarding drug replacement therapy facilities

SPONSOR(S): Mayor Donnalee Lozeau

COMMITTEE ASSIGNMENT:

FISCAL NOTE: None.

ANALYSIS

Currently the Land Use Code's use matrix allows for medical and dental clinics or offices, ambulatory or outpatient care, family planning and care, and blood or organ banks as permitted and conditional uses in certain zones. This legislation would separate drug replacement therapy facilities from those other medical uses and only permit them as a conditional use in the general business and highway business zones.

Planning and zoning ordinances and amendments require a public hearing and referral to the city planning board. RSA 675:2; NRO § 190-132. 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 ten (10) days prior to the date of the hearing. RSA 675:7. That notice shall not include the day notice is posted or the day of the public hearing. Under RSA 676:12 and NRO § 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. The restriction lapses 120 days after the first legal notice.

The board of aldermen should demonstrate that this legislation is substantially related to an important government objective, and how the legislation meets the purpose of promoting the health, safety, or the general welfare of the community. RSA 674:16; Community Resources for Justice, Inc. v. City of Manchester, 157 N.H. 152 (2008).

Approved as to form: Office of Corporation Counsel

By: Doreen Clarke

Date: March 3, 2010

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0-10-13

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by adding provisions regarding

drug replacement therapy

facilities

Endorsed by

Donald Pozeau

MAYOR

IN THE BOARD OF ALDERMEN

1ST READING MARCH 9, 2010

Referred to:

PLANNING & ECONOMIC DEVELOPMENT

COMMITTEE, NASHUA CITY PLANNING

BOARD & PUBLIC HEARING APRIL 6, 2010

AT 7:00 PM

2nd Reading APRIL 13, 2010

3rd Reading _____

4th Reading _____

Other Action _____

Passed APRIL 13, 2010

Indefinitely Postponed _____

Defeated _____

Attest: *Patricia...* Deputy City Clerk

... President

Approved: *Donald Pozeau* Mayor's Signature

4/14/10
Date

Vetoed: _____

Veto Sustained: _____

Veto Overridden: _____

Attest: _____
City Clerk

President