



ORDINANCE

AMENDING THE LAND USE CODE IN REGARD TO FEES FOR ZONING BOARD OF ADJUSTMENT REHEARINGS

CITY OF NASHUA

In the Year Two Thousand and Eleven

The City of Nashua ordains that Chapter 190 “Land Use”, Part 8 “Definitions and Submittal Requirements”, Article XLIII “Submittal Requirements”, Section 190-267 “Fees”, of the Nashua Revised Ordinances, as amended, hereby be further amended by adding the new underlined language as follows:

“§ 190-267. Fees.

...

C. Appeals (Zoning board of Adjustment).

- (1) A fee to cover the cost of processing and notification shall be paid to the Administrative Officer at the time of submittal of the petition for an appeal (§ 190-136) or by variance (§ 190-137) to such Administrative Officer. The following fee schedule shall be utilized in determining processing and notification costs:

...

- (e) Applications based on rehearing requests approved by zoning board of adjustment: No fee.
- (f) The abutter notification fee: any necessary postal fees plus \$3 per abutter to be paid by applicant.”

All other ordinances or parts of ordinances inconsistent herewith are hereby repealed.

This ordinance shall become effective upon passage.

LEGISLATIVE YEAR 2011

ORDINANCE: O-11-58

PURPOSE: Amending the land use code in regard to fees for Zoning Board of Adjustment rehearings

ENDORSERS: Alderman-at-Large Mark S. Cookson

**COMMITTEE
ASSIGNMENT:**

FISCAL NOTE: The fiscal impact is the loss of revenue from fees for processing approved rehearing requests (\$900.00/per hearing)

ANALYSIS

This legislation amends the fees for requests for rehearings granted by the Zoning Board of Adjustment. At the present time, when a request for a rehearing is granted by the Zoning Board of Adjustment, a fee of \$900.00 (§190-267 C (1)(a)) is required of the party submitting the application to the Zoning Board of Adjustment. This legislation provides that no fee will be charged for a hearing based upon the granting of a motion for rehearing by the Zoning Board of Adjustment.

State statute (RSA 675:2, II) and local ordinance (NRO §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 ten (10) days prior to the date of the hearing.

Approved as to form: Office of Corporation Counsel

By: 

Date: February 4, 2011

ORDINANCE 0-11-58

**Amending the land use code in
regard to fees for Zoning Board
of Adjustment rehearings**

Endorsed by

COOKSON

Richard Flynn

FLYNN

APK 11/11/11

VITALE

CRAFFEY

IN THE BOARD OF ALDERMEN

1ST READING FEBRUARY 8, 2011

Referred to:

PLANNING & ECONOMIC DEVELOPMENT COMMITTEE,

NASHUA CITY PLANNING BOARD AND PUBLIC

**HEARING ON MARCH 1, 2011 IMMEDIATELY
FOLLOWING COMMITTEE ON INFRASTRUCTURE**

2nd Reading MARCH 8, 2011

3rd Reading _____

4th Reading _____

Other Action _____

Passed MARCH 8, 2011

Indefinitely Postponed _____

Defeated _____

Attest: Gaule Bergeron
City Clerk

Bill Wyke
President

Approved Jessie Logan
Mayor's Signature

3-9-11
Date

Vetoed: _____

Veto Sustained: _____

Veto Overridden: _____

Attest: _____
City Clerk

President