



## ORDINANCE

### PROVIDING AN EXCEPTION TO THE LAND USE CODE FOR CITY HIGHWAY PROJECTS

#### *CITY OF NASHUA*

*In the Year Two Thousand and Fifteen*

*The City of Nashua ordains* that Part II “General Legislation”, Chapter 190 “Land Use”, Part 1 “Generally”, Article I “Universally Applicable Provisions”, Section 190-2 “Applicability” of the Nashua Revised Ordinances, as amended, be hereby further amended by adding the new underlined language as follows:

**“§ 190-2. Applicability.**

The requirements of this chapter, as amended from time to time, shall apply to all development or changes in land use within the municipal borders of the City of Nashua, including those undertaken by the City of Nashua and its constituent and affiliated agencies, departments and officials, to the fullest extent of the law, except when the City of Nashua acquires an interest in land for a highway as defined in RSA 229:1. If as a result of the City acquiring said interest, there is a violation of this chapter on the private property remaining after partial acquisition, then that violation is deemed nonconforming and shall be governed by Article XII “Nonconformities”.”

All ordinances or parts of ordinances inconsistent herewith are hereby repealed.

This ordinance shall become effective at the time of passage.

**LEGISLATIVE YEAR 2015**

**ORDINANCE:**

**O-15-063**

**PURPOSE:**

**Providing an exception to the land use code for city highway projects**

**ENDORSERS:**

**Alderman-at-Large Brian S. McCarthy**

**COMMITTEE  
ASSIGNMENT:**

**FISCAL NOTE:**

**None.**

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**ANALYSIS**

NRO 190-2 provides that all development or changes in land use within the municipal borders of the City of Nashua, including those undertaken by the City of Nashua, are subject to the provisions of the land use chapter 190. This legislation would exempt highway projects undertaken by the city from that obligation. This has come up recently in the context of requiring a variance as a result of a developer donating or selling requested land or easements to the city for highway use.

State statute (RSA 675:2) and NRO Section 190-132 require a public hearing and referral to the city planning board for an amendment to Chapter 190. 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) calendar days prior to the date of the hearing. (Notice period does not include the day notice is posted or the day of the public hearing. RSA 675:7, 1.) A super majority vote (two-thirds (2/3) of all members present) of the board of aldermen would be required if a protest petition is filed pursuant to RSA 675:5.

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**Approved as to form:**

**Office of Corporation Counsel**

**By:**



**Date:**

8/28/2015