



ORDINANCE

AMENDING THE TRANSIT-ORIENTED DEVELOPMENT SPECIAL ZONING DISTRICT TO AN OVERLAY ZONING DISTRICT AND AMENDING THE PERMITTED USES TABLE TO INCLUDE RAIL

CITY OF NASHUA

In the Year Two Thousand and Fifteen

The City of Nashua ordains that Part II “General Legislation”, Chapter 190 “Land Use” of the Nashua Revised Ordinances, as amended, be hereby further amended as follows:

1. In Part 2 “Zoning Districts and Supplemental Use Regulations”, Article III “Base Districts”, Section 190-15 “Permitted uses”, Table 15-1 “Use Matrix”, Number 257, make the following changes:

- a. Change the “Use” from “Bus passenger stations/terminals to “Rail/bus passenger stations/terminals”;
- b. Change the “LBCS Function” code number from “4133” to “4100”; and
- c. Change the “LBCS Structure” code number from “5300” to “5000”.

2. In Part 2 “Zoning Districts and Supplemental Use Regulations”, Article V “Special Districts”, Section 190-30 “Transit-Oriented Development (TOD)”, delete the entire section.

3. In Part 2 “Zoning Districts and Supplemental Use Regulations”, Article IV “Overlay Districts”, add the following new section 190-26.1 “Transit-Oriented Development (TOD)”:

“§ 190-26.1. Transit-Oriented Development (TOD) Overlay District.

Purpose: The purpose of the Transit-Oriented Development Overlay District is to encourage innovative and supportive development near transit stations such as commuter rail and bus with focus on intermodal transportation connections and innovative financing of infrastructure. This section promotes the transportation goals and objectives of the Nashua Master Plan and specific objectives and recommendations of the 2004 East Hollis Street Area plan adopted as part of the Master Plan.

- A. **Applicability.**
- (1) The provisions of this section apply to any use or development located within a Transit-Oriented Development (TOD) Overlay District whose boundaries are established on the official Zoning Map of the City by the Board of Aldermen.
 - (2) The Transit-Oriented Development Overlay Districts are flexible overlay zones which are authorized by RSA 674:21.
- B. **Processing procedures.** Development consistent with the regulations established herein may occur as of right in any TOD Overlay District, subject to the locational restrictions of Subsection C below.
- C. **Locational criteria.** TOD Overlay Districts shall be located within a reasonable walking distance to a transit station as established on the official Zoning Map.
- D. **Uses.**
- (1) Any uses permitted in the R-C, D-1 or D-3 Zoning Districts, and the uses permitted in the underlying zoning district, are permitted in TOD Overlay Districts. In addition, research and development offices are permitted as a conditional use (Use #180 of the Use Matrix, § 190-15, Table 15-1 of this chapter) if not permitted by right in the underlying district. Rail/bus passenger stations/terminals (Use #257 of the Use Matrix), parking lots, surface, underground or in structures, as a principal use (Use #262), railroad freight yards, repair shops/sheds and marshalling yards (Use #263), and taxi and limousine service (Use #264) are permitted uses in TOD Overlay Districts. A site plan is required for development in a TOD Overlay District.
 - (2) **Site plan suitability report.** Within TOD Overlay Districts, all site plans submitted to the Planning Board for approval in accordance with this section shall be accompanied by a site plan suitability report, including appropriate studies, drawings, plans and illustrations, which shall address all factors identified in the Mixed Use Overlay Zone site plan suitability report (Section § 190-23, E).
- E. **Modification of dimensional, density and other regulations.**
- (1) The Planning Board, in determining the acceptability of proposed site plans within TOD Overlay Districts, shall have the authority to modify the dimensional, density and other regulations of the underlying districts in accordance with Subsection F below.
 - (2) The authority granted to the Planning Board by this section shall apply to all uses contained within or approved as part of a development submitted in accordance with the provisions of this section.

- F. Guidelines for site plan evaluation. The guidelines as established in the Mixed Use Overlay District Section 190-23 (F) are intended to provide the Planning Board with the criteria to evaluate site plans and site plan suitability reports required by Subsection D above, and to determine whether a site plan submitted under this section should be approved, approved with conditions, or denied. In approving any site plan under the provisions of this section, the Planning Board may modify or waive any criteria listed in Mixed Use Overlay District Section 190-23 (F), or require in a reasonable manner as a condition of approval any and all specific treatments of the criteria listed in that subsection as it deems necessary to meet the above general purpose statement and generally those of the Mixed Use Overlay District Section 190-23.
- G. Adequate public facilities. The adequate public facilities standards of Article XXIII of this chapter shall not apply to any application for site plan approval within a TOD.
- H. Lot arrangement and dimensions. The front setback shall be established as follows:
 - (1) Minimum front setback: 0 feet from the edge of the sidewalk. A minimum setback of 5 feet from the property line shall be required where street tree planting is required pursuant to Article XXVII of this chapter.
 - (2) Maximum front setback: 15 feet.”

4. In Part 8 “Definitions and Submittal Requirements”, Article XLII “Definitions”, Section 190-264 “Definitions” add the following new definition in the appropriate alphabetical order:

“TRANSIT STATION – A facility where taxi, bus or railroad passengers regularly stop to load or unload passengers, which may provide ancillary services such as ticket sales and waiting rooms. These stations are multi-modal in nature where users are switching from one mode of transportation to another, such as automobiles to buses or buses to rail.”

5. In Part 2 “Zoning Districts and Supplemental Use Regulations”, Article II “Generally”, Section 190-11 “Establishment of districts”, Table 11-1 “Zoning Districts”, in the entry that reads “Transit-Oriented Development – Special – TOD”, change the word “Special” to “Overlay”.

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-15-064

PURPOSE: Amending the transit-oriented development special zoning district to an overlay zoning district and amending the permitted uses table to include rail

ENDORSERS: Mayor Donnalee Lozeau

**COMMITTEE
ASSIGNMENT:**

FISCAL NOTE: No fiscal impact.

ANALYSIS

Land Use Code Section 190-30 "Transit-Oriented Development (TOD)" was adopted by the Board of Aldermen on November 9, 2005, and became effective on January 2, 2006 as part of the overall land use code rewrite project. This section was new, with language from the land use consulting firm the city had hired for the project. However, since the time that TOD special zoning districts have been permitted, no TOD special district has been established.

The legislation is a revision of Section 190-30, changing the option of a TOD special zoning district to the option of a TOD overlay district. Proposed Ordinance O-15-065 would establish two TOD overlay districts under this legislation. The legislation also amends the permitted uses table to include rail.

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 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.

Approved as to form:

Office of Corporation Counsel

By: Donna Lozeau

Date: August 31, 2015