

**LITCHFIELD PLANNING BOARD
PROPOSED ZONING AMENDMENTS FOR
MARCH 2022 WARRANT ARTICLES**

Item 1 Northern Commercial District

Amend Section 800.00 NORTHERN COMMERCIAL DISTRICT to allow additional business uses and to require sidewalks in certain locations to foster development of a walkable New England Village environment.

Amend Section 800.03 Performance Standards, to read as follows (language to be added is shown in *italics*, language to be removed is shown in ~~strikethrough~~)

800.03 Performance Standards. (Amended March 11, 2014)

- a. All land use activities shall be conducted and operated to minimize negative environmental impacts to neighboring properties from emissions of smoke, noise and odors, vibrations, discharges and stormwater runoff, and shall conform to all State and Federal regulations and the following performance standards contained in Section 403.00.

- b. All non-residential uses shall be compatible in character, scale and design with existing developed properties in close proximity and abutting the proposed development. Within a development project, site design elements should be compatible with small New England Village character and the town's agricultural history. Applicants must submit building elevations and landscaping plans to the planning board for review as part of their Site Plan Application. *The Planning Board shall determine whether building design is compatible with mixed commercial/residential and historic character of the area.*

- c. All applications shall meet the General Requirements for Non-Residential Uses as set forth in section 408 of this Ordinance.

- d. *Sidewalks shall be required along at least one side of Route 3A to facilitate the development of an interconnected, walkable village environment, and to connect existing and proposed commercial uses to the Albuquerque Avenue multi-use path. Where construction of a building for multi-family residential or non-residential use, or alteration and rehabilitation of an existing residential or non-residential structure is proposed, construction of a sidewalk not less than six (6) feet in width shall be constructed along the entire length of frontage along Route 3A in a location to be determined by the Planning Board. Where the Planning Board determines that construction of a sidewalk is not needed due to the presence of a suitable existing or planned sidewalk on the opposite side of Route 3A, the Board may require a*

payment in lieu of construction to facilitate completion of the sidewalk network.

Amend Section 801 *Permitted Uses*, to read as follows (language to be added is shown in *italics*, language to be removed is shown in ~~strikethrough~~)

801.00 Permitted Uses.

The following uses are permitted in the Northern Commercial District. This zone is intended to provide for an accessible, *walkable*, well-planned area for local community shopping functions. Clusters of shops or small-scale shopping centers as well as individual shops are encouraged for this zone. ~~Large regional shopping type uses, such as department stores, exceeding a footprint of 20,000 square feet are not permitted. Uses not listed in Section 801.00 or 803.00 are prohibited.~~ (March 12, 1991, Amended March 11, 2014, and March 2022)

- a. Banks and branch offices of financial institutions.
- b. Establishments offering goods for sale including dry goods, foods, hardware, clothing and apparel, antiques, and other general retail commodities, but not including automotive service or gasoline sales. (Amended March 11, 2014)
- c. *Convenience stores.*
- d. *Breweries, distilleries, and wineries.*
- ~~ee.~~ Restaurants not including fast-food restaurants with take-out and/or drive-through service.
- ~~fd.~~ Professional offices *including medical, dental, legal, accounting, real estate, and other similar professional services.*
- ~~ge.~~ Health care facilities and services *including urgent care facilities.*
- ~~hf.~~ Personal services and offices *including barbershops, hair and nail salons, tailors, dry cleaning, and other similar services.*
- ~~i.~~ *Drugs stores and pharmacies with or without health, beauty, grocery, and other convenience product sales.*
- ~~j.~~ *Bakeries and confectionary shops with on-site retail sales.*
- ~~k.~~ *Contractor services including plumbing, heating, electric, carpentry, landscaping, and other similar services.*
- ~~l.~~ *Health, athletic and fitness establishments including yoga, dance and martial arts studios, boxing gyms, and other similar establishments.*
- ~~mg.~~ Bed and breakfasts. (Amended March 11, 2014)

nh. Indoor theaters.

oi. Churches and associated parsonages.

pj. Public, private or non-profit recreational facilities, fraternal orders, or membership clubs.

qk. Schools, nurseries and day care centers.

rl. Funeral homes.

sm. Residential units constructed prior to March 14, 1989, and home occupations within these units subject to the provisions of Section 504.00. (March 12, 1991)

tn. Mixed use - Commercial/Residential as follows: A maximum of one residential unit may be developed in conjunction with a commercial use. The residential unit shall be accessory and subordinate to the use of the lot for commercial purposes. Minimum lot size shall be one acre (43,560 square feet). Septic systems must be designed, sited and constructed to adequately handle all wastes from the commercial use and the residential unit. (Amended March 1992)

uo. Agricultural uses including: (March 1994)

1. Agriculture
2. Farm worker dwelling
3. Farm roadside stand/storefront
4. Accessory structures for agricultural use
5. Agritourism
6. Operation and maintenance of agricultural/forestry vehicles and processing machinery
7. Agricultural processing plants.

(Amended March 11, 2014)

vp. Utility structures of less than 200 square feet in area. (March 1996).

wq. *Warehouse, fulfillment or distribution facilities up to 75,000 square feet.*

Amend Section 803 Conditional Uses, to read as follows (language to be added is shown in italics, language to be removed is shown in ~~strikethrough~~)

803.00 *Conditional Uses.* (Amended March 2020 *and March 2022*)

The following uses are permitted by a Conditional Use Permit granted by the Planning Board to meet the standards and requirements of this ordinance. The Planning Board shall determine if the proposed commercial use will meet the standards established herein for that use:

- a. Gasoline Sales:
 - 1) Shall not be located within a 500-foot radius of another gasoline sales station located in the Town of Litchfield except where the existing station is located across a major road from which the proposed station takes access.
 - 2) Pumps shall be set back at least 50 feet from the right-of-way.
 - 3) Two access/egress points shall be provided.
 - 4) Frontage shall be at least 500 feet on Route 3-A and 200 feet on other Town approved roads.
 - 5) All underground storage tanks shall be double lined and contain a leak detection system in accordance with State of New Hampshire standards.
 - 6) Such uses shall not create undue traffic congestion or hazard.

- b. Automobile Service and Repair:
 - 1) Two access/egress points shall be provided.
 - 2) Frontage shall be at least 200 feet on a Town approved road.
 - 3) The service entrance for the storage or repair of automobiles or other motorized vehicles shall be to the rear.
 - 4) Such uses shall not create undue traffic congestion or hazard.

- c. Fast-Food Restaurant with Take-Out and/or Drive-Through Service:
 - 1) Two access/egress points shall be provided.
 - 2) Frontage shall be at least 200 feet on a Town approved road not including Route 3-A.
 - 3) The Planning Board shall determine whether building design and landscaping is compatible with mixed commercial/residential and historic character of the area.
 - 4) Such uses shall not create undue traffic congestion or hazard.

- d. *Warehouse, fulfillment or distribution facilities greater than 75,000 square feet, but not to exceed 150,000 square feet:*
 - 1) *Buildings shall be set back not less than 250 feet from Route 3A.*
 - 2) *Landscaped buffers must be provided sufficient to provide screening from Route 3A and adjacent residential uses.*
 - 3) *Such uses shall not create undue traffic congestion or hazard.*

804.00 Prohibited Uses. (Amended March 2022)

- a. *Large regional shopping type uses, such as department stores, exceeding a footprint of 20,000 square feet.*
- b. *Warehouse, fulfillment or distribution facilities greater than 150,000 square feet*
- c. *Any use not-listed in Section 801.00 or 803.00.*

Item 2 Southwestern Commercial District

Amend Section 700.00 SOUTHWESTERN COMMERCIAL DISTRICT to allow certain additional business uses but to prohibit Warehousing and Distribution facilities except as an accessory use.

Amend Section 701 *Permitted Uses*, to read as follows (language to be added is shown in *italics*, language to be removed is shown in ~~strikethrough~~)

701.00 Permitted Uses.

The following uses are permitted in the Southwestern Commercial District. This zone is intended to provide for an accessible, well-planned area for local community shopping functions. Clusters of shops or small-scale shopping centers as well as individual shops are encouraged for this zone. ~~Large regional shopping type uses, such as department stores, exceeding a footprint of 20,000 square feet are not permitted. Uses not listed in Section 801.00 or 803.00 are prohibited.~~ (March 12, 1991, Amended March 11, 2014, and *March 2022*)

- a. Banks and branch offices of financial institutions.
- b. Establishments offering goods for sale including dry goods, foods, hardware, clothing and apparel, antiques, and other general retail commodities, but not including automotive service or gasoline sales. (*Amended March 11, 2014*)
- c. *Convenience stores.*
- d. *Breweries, distilleries, and wineries.*
- ee. Restaurants not including fast-food restaurants with take-out and/or drive-through service.
- ~~d. Civic Centers.~~
- fe. Professional offices *including medical, dental, legal, accounting, real estate, and other similar professional services.*
- gf. Health care facilities and services *including urgent care facilities.*
- hg. Personal services and offices *including barbershops, hair and nail salons, tailors, dry cleaning, and other similar services.*

- i. Drugs stores and pharmacies with or without health, beauty, grocery, and other convenience product sales.*
- j. Bakeries and confectionary shops with on-site retail sales.*
- k. Contractor services including plumbing, heating, electric, carpentry, landscaping, and other similar services.*
- l. Health, athletic and fitness establishments including yoga, dance and martial arts studios, boxing gyms, and other similar establishments.*
- mh.** Bed and breakfasts. (Amended March 11, 2014)
- ni.** Indoor theaters.
- oj.** Churches and associated parsonages.
- pk.** Public, private or non-profit recreational facilities, fraternal orders, or membership clubs.
- ql.** Schools, nurseries and day care centers.
- rm.**Funeral homes.
- sn.** Research & testing laboratories
- to.** Agricultural uses including: (March 1994)
 1. Agriculture
 2. Farm worker dwelling
 3. Farm roadside stand/storefront
 4. Accessory structures for agricultural use
 5. Agritourism
 6. Operation and maintenance of agricultural/forestry vehicles and processing machinery
 7. Agricultural processing plants.
 (Amended March 11, 2014)
- up.** Accessory uses to permitted uses including the servicing or repair of machinery, large appliances or equipment having internal combustion engines where such uses are secondary and customary to the principle use.
- vq.** Warehousing of goods **as an accessory use to permitted uses** ~~including those~~ listed in (b) above. (*Amended March 2022.*)
- wr.** Mixed use - Commercial/Residential as follows: A maximum of one residential unit may be developed in conjunction with a commercial use. The residential unit shall be accessory and subordinate to the use of the lot for commercial purposes. Minimum lot size shall be

one acre (43,560 square feet). Septic systems must be designed, sited and constructed to adequately handle all wastes from the commercial use and the residential unit. (*Amended March 1992.*)

xs. Utility structures of less than 200 square feet in area. (March 1996).

Create new Section 704.00, *Prohibited Uses* to read as follows.

704.00 Prohibited Uses. (*Amended March 2022*)

- a. Warehouses, fulfillment, or distribution facilities except as permitted under 701 (v).
- b. Large regional shopping type uses, such as department stores, exceeding a footprint of 20,000 square feet.
- c. Any use not listed in Section 701.00 or 703.00.

Item 3 Northern and Southern Commercial/Industrial Service Districts

Amend Section 950, NORTHERN COMMERCIAL/INDUSTRIAL SERVICE DISTRICT and Section 1000, SOUTHERN COMMERCIAL/INDUSTRIAL SERVICE DISTRICT, to limit the development of warehousing & distribution facilities

NORTHERN COMMERCIAL/INDUSTRIAL SERVICE DISTRICT

Amend Section 951, Permitted Uses, to read as follows (language to be added is shown in *italics*, language to be removed is shown in ~~strikethrough~~)

951.00 Permitted Uses.

~~Uses not listed in Section 951.00 or 953.00 are prohibited.~~

- a. The assembly, testing, repair and packaging of pre-manufactured components, devices, and equipment systems.
- b. Warehouses *and distribution facilities 75,000 square feet and under* and storage of non-explosive, non-toxic materials in an enclosed building.
- c. Wholesale businesses.
- d. Research or testing laboratories.
- e. Computer Services.

- f. Professional offices.
- g. Municipal uses.
- h. Restaurants, not including fast-food restaurants with take-out and/or drive-through service.
- i. Accessory uses, including but not limited to retailing, personal and professional services, day care, recreation, auditoriums, and residences for security purposes, which are accessory with and incidental to the principal use.

~~j. Transportation Terminals:~~

- ~~j~~k. Churches and associated parsonages.
- ~~k~~l. Excavation, mining and processing of aggregate materials, subject to RSA 155-E and such regulations as may be enacted or adopted pursuant thereto.
- ~~l~~m. Agricultural uses including:
 - 1. Agriculture
 - 2. Farm worker dwelling
 - 3. Farm roadside stand/storefront
 - 4. Accessory structures for agricultural use
 - 5. Agritourism
 - 6. Operation and maintenance of agricultural/forestry vehicles and processing machinery
 - 7. Agricultural processing plants(Amended March 11, 2014)
- ~~m~~n. Utility structures of less than 200 square feet in area.

Amend Section 953, Conditional Uses, to read as follows (language to be added is shown in *italics*, language to be removed is shown in ~~strikethrough~~)

953.00 *Conditional Uses. (Amended March 2022)*

The following uses are permitted by a Conditional Use Permit granted by the Planning Board to meet the standards and requirements of this ordinance. The Planning Board shall determine if the proposed commercial use will meet the standards established herein for that use:

- a. Gasoline Sales:

- 1) Shall not be located within a 500 feet radius of another gasoline sales station.
 - 2) Pumps shall be set back at least 50 feet from the right-of-way.
 - 3) Two access/egress points shall be provided.
 - 4) Frontage shall be at least 200 feet on a Town approved road.
 - 5) All underground storage tanks shall be double lined and contain a leak detection system in accordance with State of New Hampshire standards.
 - 6) Such uses shall not create undue traffic congestion or hazard.
- b. Automobile Service and Repair:
- 1) Two access/egress points shall be provided.
 - 2) Frontage shall be at least 200 feet on a Town approved road.
 - 3) The service entrance for the storage or repair of automobiles or other motorized vehicles shall be to the rear.
 - 4) Such uses shall not create undue traffic congestion or hazard.
- c. Fast-Food Restaurant with Take-Out and/or Drive-Through Service:
- 1) Two access/egress points shall be provided.
 - 2) Frontage shall be at least 200 feet on a Town approved road not including Route 3-A.
 - 3) Such uses shall not create undue traffic congestion or hazard.
- d. Retail establishments for the sale of automotive supplies and the sale and maintenance of automobiles, trucks, motorcycles, boats, snowmobiles, trailers, mobile homes, recreational vehicles, and other similar type vehicles.
- e. *Warehouse, fulfillment or distribution facilities greater than 75,000 square feet, but not to exceed 150,000 square feet:*
- 4) *Buildings shall be set back not less than 250 feet from Route 3A.*
 - 5) *Landscaped buffers must be provided sufficient to provide screening from Route 3A and adjacent residential uses.*
 - 6) *Such uses shall not create undue traffic congestion or hazard.*

Create new Section 954.00, *Prohibited Uses* to read as follows.

954.0 *Prohibited Uses. (Amended March 2022)*

- a. *Warehouse, fulfillment or distribution facilities greater than 150,000 square feet*
- b. *Any use not-listed in Section 951.00 or 953.00.*

SOUTHERN COMMERCIAL/INDUSTRIAL SERVICE DISTRICT

Amend Section 1001, Permitted Uses, to read as follows (language to be added is shown in *italics*, language to be removed is shown in ~~strikethrough~~)

1001.00 Permitted Uses.

~~Uses not listed in Section 1001.00 or 1003.00 are prohibited. (March 12, 1991)~~

- a. The assembly, testing, repair and packaging of pre-manufactured components, devices, and equipment systems.
- b. Warehouses *or distribution facilities 75,000 square feet and under* and storage of non-explosive, non-toxic materials in an enclosed building.
- c. Wholesale businesses.
- d. Research or testing laboratories.
- e. Computer Services.
- f. Professional offices.
- g. Municipal uses.
- h. Restaurants, not including fast-food restaurants with take-out and/or drive-through service.
- i. Accessory uses, including but not limited to retailing, personal and professional services, day care, recreation, auditoriums, and residences for security purposes, which are accessory with and incidental to the principal use.
- ~~j. **Transportation Terminals.**~~
- k. Churches and associated parsonages.
- l. Excavation, mining and processing of aggregate materials, subject to RSA 155-E and such regulations as may be enacted or adopted pursuant thereto. (March 12, 1991)
- m. Agricultural uses including: (March 1994, Amended March 11, 2014)
 1. Agriculture
 2. Farm worker dwelling
 3. Farm roadside stand/storefront
 4. Accessory structures for agricultural use
 5. Agritourism
 6. Operation and maintenance of agricultural/forestry vehicles and processing machinery
 7. Agricultural processing plants
- n. Utility structures of less than 200 square feet in area. (March 1996)

Amend Section 1003, Conditional Uses, to read as follows (language to be added is shown in *italics*, language to be removed is shown in ~~strikethrough~~)

1003.00 Conditional Uses. (Amended March 2022)

The following uses are permitted by a Conditional Use Permit granted by the Planning Board to meet the standards and requirements of this ordinance. The Planning Board shall determine if the proposed commercial use will meet the standards established herein for that use:

a. Gasoline Sales:

- 1) Shall not be located within a 500 feet radius of another gasoline sales station.
- 2) Pumps shall be set back at least 50 feet from the right-of-way.
- 3) Two access/egress points shall be provided.
- 4) Frontage shall be at least 200 feet on a Town approved road.
- 5) All underground storage tanks shall be double lined and contain a leak detection system in accordance with State of New Hampshire standards.
- 6) Such uses shall not create undue traffic congestion or hazard.

b. Automobile Service and Repair:

- 1) Two access/egress points shall be provided.
- 2) Frontage shall be at least 200 feet on a Town approved road.
- 3) The service entrance for the storage or repair of automobiles or other motorized vehicles shall be to the rear.
- 4) Such uses shall not create undue traffic congestion or hazard.

c. Fast-Food Restaurant with Take-Out and/or Drive-Through Service:

- 1) Two access/egress points shall be provided.
- 2) Frontage shall be at least 200 feet on a Town approved road not including Route 3-A.
- 3) Such uses shall not create undue traffic congestion or hazard.

d. Retail establishments for the sale of automotive supplies and the sale and maintenance of automobiles, trucks, motorcycles, boats, snowmobiles, trailers, mobile homes, recreational vehicles, and other similar type vehicles.

e. Warehouse, fulfillment or distribution facilities greater than 75,000 square feet, but not to exceed 150,000 square feet:

- 1) *Buildings shall be set back not less than 250 feet from Route 3A.*
- 2) *Landscaped buffers must be provided sufficient to provide screening from Route 3A and adjacent residential uses.*
- 3) *Such uses shall not create undue traffic congestion or hazard.*

Create new Section 1004.00, *Prohibited Uses* to read as follows.

1004.00 *Prohibited Uses. (Amended March 2022)*

- a. *Warehouse, fulfillment or distribution facilities greater than 150,000 square feet*
- b. *Any use not listed in Section 1001.00 or 1003.00.*

Item 4 **Floodplain Conservation District**

Amend Section 1100.00, FLOODPLAIN CONSERVATION DISTRICT, to clarify that residential uses are permitted by Special Exception.

Amend Section 1100.03 to read as follows (language to be added is shown in *italics*, language to be removed is shown in ~~strikethrough~~)

1103.00 **Special Exceptions.**

- a. The Zoning Board of Adjustment may grant special exceptions for the following uses within the special flood hazard area. The ZBA shall notify the Conservation Commission and the Planning Board when an application for a special exception within the Floodplain Conservation District is received. The Planning Board and the Conservation Commission shall have the opportunity to submit written comment on the application prior to the public hearing:
 - 1) The erection of new and the enlargement of existing *residential or* nonresidential buildings and structures.
 - 2) The temporary storage of non-hazardous materials and equipment, as defined by the State of New Hampshire.
 - 3) The alteration of the surface configuration of the land.
- b. All special exceptions granted by the Zoning Board of Adjustment shall meet the following conditions:
 - 1) The proposed construction, use and/or alteration of the surface configuration of land shall be consistent with the purpose of the Floodplain Conservation District and is otherwise permitted by the Zoning Ordinance.

- 2) The proposed construction, use and/or alteration of the surface configuration of land will not substantially obstruct nor divert flood flow, reduce natural floodwater storage capacity, nor increase stormwater runoff velocity so that water levels on other lands are substantially raised or danger from flooding increased.
- 3) A safe means of vehicular and pedestrian escape is provided in the event of flooding.
- 4) The proposed methods of drainage and sewage disposal will not cause pollution or endanger health during flooding.
- 5) Any proposed construction, building or use allowed as a special exception under this section shall conform with Part 60.3 of the National Flood Insurance Program Regulations and Section 1106.00 of this Ordinance.