Hopkinton Planning Board
2016 Zoning Amendments

(Proposed language shown in red, deleted text shown with ~~strikethrough~~.)

a. Amend Section III Table of Uses 3.6 inserting 3.6.F.20 Self-Service Storage Facility as a use prohibited in the residential and village commercial districts and permitted by Special Exception in the commercial and all industrial districts. Currently, use is not listed and therefore not permitted.

3.6 TABLE OF USES	R-4	R-3	R-2	R-1	B-1	M-1	VR-1	VB-1	VM-1	W-1
F. Commercial Uses										
20. Self-Service Storage Facility	X	X	X	X	S	S	X	X	S	

b. Amend Section II Definitions inserting new definitions 2.1.D.4 Drive-in Eating Establishment, 2.1.R.4 Restaurant and 2.1.S.3 Self-Service Storage Facility. Amendment will require changing the numerical sequence of remaining definitions. Amendment is to provide definitions for already established uses and a new use listed in Table of Uses 3.6.

2.1.D.4 Drive-in Eating Establishment: Any place or premises which by design provides for the ordering and pick-up of food and beverages from the window of an automobile, including establishments where customers may also service themselves and may eat or drink the food or beverages on the premises.

2.1.R.4 Restaurant: The term includes diners, cafes, and cafeterias and does not include *drive-in eating establishments*. It shall be an eating establishment which is primarily designed for its patrons to eat at tables, booths or a counter. Take-out refreshments are only incidental to the main purpose of the establishment.

2.1.S.3 Self-Service Storage Facility: A building or group of buildings that contains varying sizes of individual, compartmentalized, and controlled access stalls or lockers for the storage of customer's goods or wares.

c. Amend definition 2.1.M.1 Manufactured Housing, so that the language is consistent with NH RSA 674:31.

2.1.M.1 Manufactured Housing: Any structure, transportable in one or more sections, which, in the traveling mode, is 8 body feet or more in width and 40 body feet or more in length, or when erected on site, is 320 square feet or more, and which is built on a permanent chassis and designed to be used as a dwelling unit with or without a permanent foundation when connected to required utilities, which include plumbing, heating and electrical heating systems contained therein. (RSA 674:31) Manufactured housing as defined in this section shall not include pre-site built housing as defined in RSA 674:31-a.

d. Amend Section II Definitions, 2.1.S.7 Special Exception by inserting cross-reference to Section XV Board of Adjustment. Amendment is to assist readers in locating the specific for Special Exception.

2.1.S.~~7~~8 Special Exception: A use allowed by the Zoning Ordinance but under pre-determined conditions and after a public hearing before the Board of Adjustment to determine if the conditions as outlined in Section XV have been met.

e. Amend Section III Establishment of Districts and Uses, 3.6.1 by inserting clarifying language to assist readers in understanding that Table of Uses 3.6 is divided into two parts, one for principal uses and the other for accessory uses. Provide further explanation as to the letters "P", "S", "X" or for uses not specified in the Ordinance. Clarify the fact that all uses are subject to the provisions of Section XII Wetlands Conservation District. Amendment will not affect the intent or meaning of uses; nor will it change the districts in which uses are currently permitted, permitted by special exception or not permitted.

3.6.1 The Table of Uses, Section 3.6, is divided into two parts, one for principal uses, and the other for accessory uses, specifying ~~specifies~~ the uses that are permitted by right, are permitted by special exception, or are not permitted ~~prohibited~~.

(a) Uses Permitted by Right Uses denoted by the letter "P" in the Table of Uses are permitted by right in the Districts so indicated, subject to all other applicable sections of this Ordinance and other local, state and federal laws, rules and regulations. ~~uses are designated in the Table with a P~~

(b) Uses Permitted by Special Exception Uses which require the granting of a Special Exception by the Zoning Board of Adjustment are ~~designated with an~~ denoted by the letter "S" in the Table of Uses in the District so indicated. The Zoning Board of Adjustment may grant Special Exceptions in accordance with the procedures and conditions as specified in Section XV, Board of Adjustment, of this Ordinance, subject to all other applicable sections of this Ordinance and other local, state and federal laws, rules and regulations.

(c) Uses Not Permitted and Uses Not Specified ~~Prohibited~~ Uses denoted by the letter "X" in the Table of Uses are not permitted in the District so indicated. ~~designated with an X.~~

Any use not specifically listed in the Table of Uses as a permitted use shall not be allowed unless the Board of Adjustment determines it is substantially similar to a use listed as a permitted use in the applicable zone by virtue of an Administrative Appeal to the Board. A use shall not be deemed substantially similar to a permitted use unless it is substantially similar in all aspects to a permitted use; otherwise the use shall be deemed to be not permitted ~~a prohibited use~~. For purposes of this section, a substantially similar use shall include a use by reason of its normal operation, would not cause observable difference in patronage, service, sight, noise, traffic, employment or similar characteristics, including its impacts to abutting properties. Any use deemed by the Board to be a prohibited use, and any use explicitly prohibited by this Ordinance, shall only be allowed in the event that the Board of Adjustment grants a variance allowing the use.

(d) All Uses Subject to Wetlands Conservation District All uses are subject to the provisions of Section XII, Wetlands Conservation District (Overlay). ~~is an overlay district and information is in Section XII.~~

f. Amend Section III Establishment of Districts and Uses, Table of Uses 3.6 by relocating 3.6.A.7 Home Business, 3.6.A.10 Home Occupation, and 3.6.A.11 Telecommuting to Table of Uses 3.6.H. Uses will be designated as accessory uses, rather than principal uses. Amendment will not affect the intent or meaning of the uses; nor will it change the districts in which the uses are currently permitted or permitted by special exception.

3.6 TABLE OF USES	R-4	R-3	R-2	R-1	B-1	M-1	VR-1	VB-1	VM-1	W-1
G. Accessory Uses										
16. Home Business in accordance with Section III, 3.7.3, except for the VB-1 and VM-1 districts. Site Plan Review required in all districts.	S	S	S	S	S	S	S	P	P	
17. Home Occupation in accordance with Section III, 3.7.5.	P	P	P	P	P	P	P	P	P	
18. Telecommuting in accordance with Section III, 3.7.5.	P	P	P	P	P	P	P	P	P	

g. Amend Section III Establishment of Districts and Uses, Table of Uses 3.6 by deleting the explanation in 3.6.F.1 Retail Establishment and instead, insert the explanation as new definition 2.1.R.5 Retail Establishment. Amendment will require changing the numerical sequence of remaining definitions. Amendment will not affect the intent or meaning of the use; nor will it change the districts in which the use is currently permitted, permitted by special exception or not permitted.

3.6 TABLE OF USES	R-4	R-3	R-2	R-1	B-1	M-1	VR-1	VB-1	VM-1	W-1
F. Commercial Uses										
1. Retail Establishment ~~selling convenience goods (including but not limited to foods, drugs and proprietary goods) and general merchandise (including but not limited to dry goods, apparel and accessories, furniture and home furnishings, home equipment, small wares and hardware) including discount and limited price variety store.~~	X	X	X	X	P	S	X	P	S	

2.1.R.4 Retail Establishment: A place of business, including a discount and limited price variety store, selling convenience goods and general merchandise, including but not limited to foods, pharmaceutical drugs, proprietary goods, dry goods, apparel and accessories, furniture and home furnishings, home equipment, small wares and hardware.

h. Amend Section VI Parking Requirements by deleting 6.4.6 requiring a special exception for use of public parking facilities to supplement or reduce the required minimum parking standards. Intent and purpose of amendment is to streamline the permitting process as similar authority has already been given to the Planning Board in 6.1 Off-Street Parking and 6.2 Location of Parking Spaces.

~~6.4.6 Special Exception: Public parking facilities can be used to supplement or reduce the required minimum parking standards by special exception of the Zoning Board of Adjustment.~~

i. Amend Section VII Sign Ordinance, 7.6.2(c) and 7.9.3(a)(3) by deleting reference to "ten (10) feet" for the horizontal dimensions of free-standing signs and inserting in its place "five (5) feet" so that the language is consistent with the horizontal dimensions already established in

7.8.2. Intent and purpose of amendment is to correct a discrepancy in the Ordinance.

(c) No free-standing sign shall exceed six (6) feet in height, unless otherwise specified in this Ordinance. No free-standing sign or any part thereof shall be placed closer than ten (10) feet to any lot line, except for the front lot line, or be placed such that the sign interferes with sight distances from any driveway providing access to the lot from the adjacent street No free-standing sign shall have a horizontal dimension in excess of ~~ten (10)~~ five (5) feet.

(3) No free-standing sign shall have a horizontal dimension in excess of ~~ten (10)~~ five (5) feet.

j. Amend Section VII Sign Ordinance, 7.9.3(a)(4) by deleting reference to "five (5) feet" for the distance that free-standing signs must be from any lot line and inserting in its place "ten (10) feet" so that the language is consistent with the distance already established in 7.6.2(c). Intent and purpose of amendment is to correct a discrepancy in the Ordinance.

(4) No free-standing sign or any part thereof shall be placed closer than ~~five (5)~~ ten (10) feet to any lot line, or be placed such that the sign interferes with sight distances from any driveway providing access to the lot from the adjacent street, or be located less than fifty (50) from the boundary of a residential district.

k. Amend Section XVII Lighting Ordinance, 18.1 Title and Authority inserting 18.1.4 giving the Planning Board the authority, after testimony from the applicant, to alter specifications if it is determined that it is in the best interest of the Town and all other parties involved, and subject to any condition(s) the Planning Board deems appropriate. Intent and purpose of amendment is to streamline the permitting process.

18.1.4 The Planning Board may alter the specifications of this Ordinance when, after testimony of the Applicant, it determines it is in the best interest of the Town and all other parties involved, and subject to any condition(s) the Planning Board may impose as it deems appropriate.