

CONDITIONAL USE PERMIT APPLICATION

Planning & Community Development Department · City of Manchester, New Hampshire

Please print legibly. Please note that this form must be completed by the property owner.

Submission Date:	Property Owner (For additional owners, please submit separate forms.) Name: _____ Address: _____ Phone: _____ E-mail address: _____
Is the Conditional Use Permit associated with a Site Plan, Planned Development, or Subdivision? <input type="checkbox"/> Site Plan <input type="checkbox"/> Planned Development <input type="checkbox"/> Subdivision <input type="checkbox"/> Not Applicable	Agent Name: _____ Title and company, if any: _____ Address: _____ Phone: _____ E-mail address: _____
What is the purpose of the Conditional Use Permit? <input type="checkbox"/> Use <input type="checkbox"/> Parking Reduction <input type="checkbox"/> Accessory Dwelling Unit <input type="checkbox"/> Special Lot Size in the R-2 District	Have all required application fees been submitted? (Refer to Appendix A) <input type="checkbox"/> Yes <input type="checkbox"/> No Have all required application materials been submitted? (Refer to Appendix F) <input type="checkbox"/> Yes <input type="checkbox"/> No Have written requests been submitted for all waivers sought? <input type="checkbox"/> Yes <input type="checkbox"/> No
Location/Address of Property:	Location/Address of Property: _____ E-mail address: _____
Tax Map/Lot No(s): Zoning District: Ward:	<p>Certification, Permission, and Authorization: <i>As the owner of the property that is the subject of this application, I hereby certify that the above information is correct and that I have submitted herewith all documentation required by Appendices A and F or requested a waiver in writing for any documentation not submitted. I hereby permit City of Manchester officials and staff to enter onto the property to inspect it as part of this application. I hereby authorize the person or entity listed herein as the Agent to represent my interests before the City in connection with this application.</i></p> <hr style="border: 0; border-top: 1px solid black; margin: 10px 0;"/> Signature of Property Owner, Trustee, or Officer (Not Agent)
Has this project gone to the ZBA? <input type="checkbox"/> Yes Case # _____ <input type="checkbox"/> No	<hr style="border: 0; border-top: 1px solid black; margin: 10px 0;"/> Printed Name and Title, if any

DO NOT WRITE BELOW THIS LINE – for Planning and Community Development use only.

Materials submitted: <input type="checkbox"/> Written Description <input type="checkbox"/> Plans (Full Sized–22” X 34”) <input type="checkbox"/> Reduced Plans <input type="checkbox"/> Abutters List <input type="checkbox"/> Application Fees <input type="checkbox"/> Postage Fee <input type="checkbox"/> PDF Files <input type="checkbox"/> Deeds <input type="checkbox"/> Criteria Addressing Article 12 of Zoning Ord. <input type="checkbox"/> Other _____	Fees: Application Fee: _____ Add. Review Fees: _____ Abutter Notices: _____ Total: _____	Receipt Stamp: <div style="text-align: center;">  <p style="font-size: small; margin: 0;">CITY OF MANCHESTER INCORPORATED JUNE 1846</p> </div>
Conditional Use Project Number: _____		

APPENDIX A**PLANNING BOARD APPLICATION FEES****I. NOTIFICATION FEES**

Postage fees for notification of a public hearing to abutters and other legally required parties shall be \$10.00 per recipient. The one exception to this fee shall be voluntary lot mergers, as these do not require public hearings.

II. APPLICATION FEE

All applications shall be subject to a nonrefundable \$300 fee to cover administrative expenses. The one exception to this fee shall be voluntary lot mergers.

III. SUBDIVISIONS

In addition to the Notification and Application fees, applicants for subdivisions shall also submit fees according to the requirements listed below. These fees may be refunded if an applicant withdraws a proposal prior to the plans being distributed to City agencies like the Highway Division, the Fire Department, and the Water Works Department.

(A) Subdivisions with a New Street Proposed

Planning and Interdepartmental Review Fee: \$325 for each lot created, including the parent lot.

(B) Subdivisions with No Streets Proposed

Planning and Interdepartmental Review Fee: \$200 for each lot created, including the parent lot.

(C) Lot-Line Adjustments

A lot-line adjustment in which one or more lot lines between two or more lots is moved and no new building lots are created shall be charged the Notification and Application fees, but no additional subdivision fees.

(D) Voluntary Lot Mergers

The Notification, Application, and Subdivision fees shall not apply to lot mergers. The fee for a lot merger shall be \$100.

IV. RESIDENTIAL SITE PLANS AND PLANNED DEVELOPMENTS

In addition to the Notification and Application fees, applicants for residential site plans and planned developments shall also submit fees according to the requirements listed below. These fees may be refunded if an applicant withdraws a proposal, depending upon the amount of time that staff from Planning, DPW, Fire, Water, and other departments has spent reviewing the proposal.

(A) Up to and Including the First Fifteen Dwelling Units

Planning and Interdepartmental Review Fee: \$300 for each dwelling unit

(B) For All Additional Dwelling Units in Excess of the First Fifteen

Planning and Interdepartmental Review Fee: \$100 for each dwelling unit

V. NON-RESIDENTIAL SITE PLANS AND PLANNED DEVELOPMENTS

In addition to the Notification and Application fees, applicants for non-residential site plans and planned developments shall also submit fees according to the requirements listed below. These fees may be refunded if an applicant withdraws a proposal, depending upon the amount of time that staff from Planning, DPW, Fire, Water, and other departments has spent reviewing the proposal.

(A) Up to and Including the First 10,000 Gross Square Feet of New or Renovated Building Area

Planning and Interdepartmental Review Fee: \$300 per 1,000 SF, or fraction thereof

(B) For All Additional Gross Square Feet of New or Renovated Building Area in Excess of 10,000

Planning and Interdepartmental Review Fee: \$100 per 1,000 SF, or fraction thereof

VI. CONDITIONAL USE PERMITS

The fee for Conditional Use Permits shall be charged the Notification and Application fees.

VII. AMENDMENTS

Amendments to conditions of approval of a conditionally approved or finally approved plan shall be subject to the Notification and Application fees.

All other amendments to finally approved plans, such as further subdivision of lots or additional construction, shall be subject to the same fees as comparable, new applications.

VIII. RE-INSPECTIONS

The fees charged for all applications include the cost of one site inspection by planning staff. If additional inspections are necessary, the planning staff may impose an additional fee of \$100 for each subsequent inspection.

IX. EXTENSIONS OF APPROVAL

The fee for any extension of the Planning Board's approval shall be \$100.

X. COMPLIANCE HEARINGS

The fee for holding a public hearing to determine compliance with a condition of approval shall be \$100.

X. FEE REVISIONS

The Planning Board may revise all fees listed above as necessary, but should review the fees no less than every two years to assess their effectiveness in covering the costs of plan

review to the Planning and Community Development Department, the Highway Division, the Fire Department, and the Water Works Department.

APPENDIX F**APPLICATION CHECKLIST FOR CONDITIONAL-USE PERMIT REVIEW****I. SUBMISSION ITEMS**

- Application form signed by the applicant and owner of record of the property;
- Abutter List including the names and mailing addresses of all abutting owners of record as defined in RSA 672:3;
- The application shall be accompanied by a check or cash to include all fees required by Appendix A;
- 6 copies of a plot plan or site plan drawn to scale that shows the existing conditions of the property and any proposed changes to the property, including the lot, building, parking (8.5' x 18.5'), setbacks, driveways, streets, etc.;
- 1 copy of the deed with description of lot. (Deed prior to 1965 if a new building or a subdivision.);
- 1 copy of the tax map and a current property card, which may be purchased from the Assessor's Office, located at One City Hall Plaza-West Wing, Manchester, NH 03101;
- 6 copies of the floor plans, models or pictures of the proposal. Elevations are required for any new construction (including additions);
- 1 signed affidavit from the owner, if the owner is not the applicant and the agent;
- A list of all tenants in the building and the square footage used by each tenant;
- 1 copy of a letter to the Planning Board addressing items in Article 12.05 Hearing and Decision (A-H) of the Zoning Ordinance for the City of Manchester.

II. DIGITAL FILE FORMAT

- All plans must be submitted as a PDF file, one file for each plan. They are in addition to and do not replace any current submission requirements. Accompanying documentation or updated information supplied after submission must also be accompanied by a CD-ROM containing the amended or new information in PDF format. This digital format will be kept in the Planning Department digital files and may be used to send plans to Planning Board Members, abutters, peer review engineers, and all other interested parties.

III. ADDITIONAL

The following excerpts, Section 6.10, Section 10.02(D), and Article 12 from the Zoning Ordinance for the City of Manchester, are subject to review by the Planning Board under a Conditional Use Permit application. For a complete reference of Conditional Uses, refer to Section 5.10 Table of Principle Uses.

6.10 Special Lot sizes in the R-2 District

Within the R-2 District, lots created prior to May 19, 1987 of at least 5,000 square feet in area and a lot width of at least 50 feet shall be considered conforming and shall not be subject to consolidation provisions of this ordinance. In addition, a new lot may be created with at least 5,000 square feet and a lot width of at least 50 feet, provided that it is for a single-family house only and that the Planning Board grants a Conditional Use Permit following a finding that the proposed use, lot size, height, bulk, orientation and other specific characteristics of the proposed lot and building are consistent with, and appropriate to, the predominant character of the adjacent neighborhood.

10.02 (D). Conditional use permits for alternative parking arrangements. The Planning Board is authorized to issue conditional use permits to reduce or alter the number of off-street parking spaces otherwise required by this Article. Such conditional use permits may be issued by the Planning Board for the following flexible parking arrangements and as the Planning Board may otherwise determine that parking to meet the normal requirements would not be used.:

1. Amoskeag Millyard District. Parking in strict conformance with the Table of Parking Requirements shall not be required within the Amoskeag Millyard District. A parking plan, however, shall be required for each development or redevelopment application subject to the review of the Planning Board within the district. The parking plan shall use the Table of Parking Requirements as general guidance for determining expected parking demand from the use(s) within, accompanied by other parking studies as needed. The parking studies may consider how actual parking demand may differ from expected demand based on the unique characteristics of the individual structure or use, and the characteristics of mixed uses which operate at different hours of the day. The plan shall identify how parking demands can be met utilizing any combination of on-site parking, available on-street parking or parking garages or lots. All approved plans shall be filed with the Building Commissioner.

2. Credit for availability of public parking in certain districts. Within the B-1, RDV, C-1 and C-2 districts, where public parking is available within five hundred (500) feet of the principal entrance to the use served, the Planning Board may issue a conditional use permit to reduce the number of off-street parking spaces otherwise required by this Article. Prior to approving such conditional use permit, the Planning Board must find that the public parking available to the proposed use, in combination with other uses placing demands on such facilities, is sufficient in volume, convenience, safety and availability to satisfy the anticipated parking demands of said use.

3. *Off-site parking.* Within the B-1, RDV, C-1 and C-2 districts, the Planning Board may issue a conditional use permit for off-site parking arrangements which are located within five hundred (500) feet of the principal entrance to the use served, where it finds that:

- a. The off-site parking is located within the same zoning district as the use served, and the use cannot practically supply all of its parking on site; and
 - b. The off-site parking spaces are contiguous to one another, and specifically dedicated to the principal use(s), and demarcated on the ground to identify the principal use(s) it serves; and
 - c. Adequate provisions have been made to assure safe pedestrian access between the off-site parking location and the proposed use; and
 - d. Wherever required parking spaces are provided off site, such spaces shall be in the same possession, either by deed or long-term lease, as the property occupied by the use, structure or lot to which the parking spaces are accessory. In such case the owner of said lot shall be bound by a notarized letter of record in the Office of the Building Commissioner / Building Official requiring the owner, his heirs and assigns to maintain the required number of parking facilities for the duration of the use served.
4. *Other.* Within all districts, the Planning Board determines that the parking to meet the normal requirements would not be used.

ARTICLE 12. CONDITIONAL USE PERMITS

12.01 Planning Board to Administer

Wherever a conditional use is authorized by this ordinance, the authority to administer or grant conditional use permits shall be vested in the Planning Board. The duration of a conditional use permit shall be defined by the provisions of Article 15, Section 15.03 Expiration of Permits and Approvals.

12.02. Application and Review Procedure

An application for a conditional use shall be initiated by filing with the Planning Board for an application for a conditional use permit. The following procedures shall apply to the processing of such application:

A. Procedure if Subdivision or Site Plan Approval Also Required. Where other required development approvals for a conditional use include subdivision or site plan approval by the Planning Board, the application and review procedure for a conditional use permit shall be made concurrently and in accordance with the procedures specified in the

Subdivision Regulations or Site Plan Regulations as applicable to the particular development.

B. Procedure if Subdivision or Site Plan Approval Not Required. Where no subdivision or site plan approval would otherwise be required for the conditional use, the application and procedural requirements of the Site Plan Regulations shall be applied to the application and processing of conditional use permits with respect to content of applications, requirements for public notice, hearings and timing of decisions by the Planning Board.

12.03 Burden of Persuasion

The applicant shall bear the burden of persuasion, through the introduction of sufficient evidence through testimony or otherwise, that the development, if completed as proposed, will comply with this Article and will satisfy the specific requirements for the use contained in the ordinance.

12.04 Standards of Review

In reviewing an application for a conditional use permit, the Planning Board shall consider the following information in its deliberations, as applicable to the case:

- A. Specific authorization for the conditional use in Article 5, Sections 5.10 and 5.11 Table of Principal Uses and Table of Accessory Uses;
- B. Compliance of the development plan with the specific standards for such use contained in the zoning ordinance;
- C. The results of any special investigative or scientific studies prepared in association with the proposed development;
- D. Special reports or analysis of the project or its impacts, prepared by the City or consultants;
- E. The findings, goals and objectives of the City Master Plan;
- F. The relationship of the development to the timing, location and cost of public improvements scheduled in the Capital Improvements Program; and
- G. Testimony and evidence introduced at the public hearing on the application.

- C. The results of any special investigative or scientific studies prepared in association with the proposed development;
- D. Special reports or analysis of the project or its impacts, prepared by the City or consultants;
- E. The findings, goals and objectives of the City Master Plan;
- F. The relationship of the development to the timing, location and cost of public improvements scheduled in the Capital Improvements Program; and
- G. Testimony and evidence introduced at the public hearing on the application.

12.05 Hearing and Decision

Following a public hearing on the proposed use, the Planning Board shall issue a conditional use permit, if it finds, based on the information and testimony submitted with respect to the application, that:

- A. The use is specifically authorized by Article 5, Section 5.10 or 5.11, Table of Principal Uses or Table of Accessory Uses as a conditional use;
- B. If completed, the development in its proposed location will comply with all requirements of this Article, and with specific conditions or standards established in this ordinance for the particular use;
- C. The use will not materially endanger the public health or safety;
- D. The use will not substantially de-value abutting property;
- E. The use will be compatible with the neighborhood and with adjoining or abutting uses in the area in which it is to be located;
- F. The use will not have a substantial adverse impact on highway or pedestrian safety;
- G. The use will not have a substantial adverse impact on the natural and environmental resources of the City; and
- H. Adequate public utilities and community facilities are available to the property to ensure that the proposed use will not necessitate excessive public expenditures in providing public services.

12.06 Stipulations of Approval

In granting a Conditional Use permit, the Planning Board may attach reasonable conditions to its approval, including but not limited to the phasing of a development, where such conditions are shown to be necessary to further the objectives of this ordinance and the master plan, or which would otherwise allow the general conditions of this Article to be satisfied. Representations made at a public hearing, or in material submitted to the Planning Board by an applicant, to obtain a Conditional Use permit shall be deemed conditions for the issuance of the permit. All conditions of approval shall be stated in writing in the issuance of a permit. The Planning Board may require that such conditions be annotated on a site plan or subdivision plat, or otherwise recorded at the Hillsborough County Registry of Deeds.

12.07 Appeals

Any persons aggrieved by a Planning Board decision on a Conditional Use permit may appeal that decision to the Superior Court, as provided for in RSA 677:15. A Planning Board decision on the issuance of a Conditional Use permit cannot be appealed to the Zoning Board of Adjustment. (RSA 676:5, III)

Article 8. Supplementary Regulations for Specific Uses

2. There are no on-premise retail sales of goods or merchandise from inventory held on the premises, with the exception of sales made via mail order or via telecommunication;
3. The home occupation shall not employ persons who are not residents on the premises;
4. The use shall not create objectionable traffic, noise, fumes, odor, dust, vibration, heat, glare, or electrical interference;
5. Uses related to teaching and instruction to pupils shall be limited to those which accommodate not more than four pupils at one time, or in the case of music instructions involving the use of musical instruments, not more than one pupil at a time.
6. The use shall be confined to a space within a dwelling unit, and not more than 25% of the habitable floor area of the dwelling unit may be utilized by the occupation;
7. There shall be no external evidence of the occupation which differentiates the residence in appearance from other residential properties similarly situated;
8. Off-street parking shall be provided as specified in Article 10;
9. The use is not one of the following, which are expressly prohibited as home occupations:
 - a. Barber and beauty shops;
 - b. Real estate or insurance offices;
 - c. Commercial kennels or stables and similar uses;
 - d. Uses involving the parking or storage of tractor trailers, or the parking or storage of trucks with a gross vehicle weight (GVW) greater than 10,000 lbs.;
 - e. Auto or small engine repair or maintenance, welding, or other uses which involve the visible storage on the property of automobiles or the parts thereof.

8.26 Accessory Dwelling Unit

Accessory dwelling units (ADU) are intended to provide more diverse, affordable housing opportunities to the community without the need for additional infrastructure or further land development. Since ADUs are accessory to single-family dwellings in residential zoning districts, it is essential to maintain the appearance, aesthetic continuity and character of such dwellings. Therefore, accessory dwelling units shall be subject to the following conditions and limitations to occupancy.

Article 8. Supplementary Regulations for Specific Uses

- A. One per home. Not more than one accessory dwelling unit shall be permitted, and only within a single family, detached residence or its attached garage, except those portions of the garage necessary to provide required off-street parking for the use;
- B. Owner Occupied. Either the principal unit or the accessory dwelling unit must be owner occupied. The owner must demonstrate that one of the units is the owner's principal place of residence. Both the primary dwelling unit and the accessory dwelling unit must remain in common ownership. Transfer of either dwelling unit to condominium ownership is not permitted.
- C. Two Bedroom Maximum. No more than two (2) bedrooms shall be permitted within an accessory dwelling unit, and the accessory dwelling unit shall not exceed 750 square feet in gross floor area;
- D. Parking. One additional off-street parking space shall be provided for each bedroom of an accessory dwelling unit.
- E. Adequate Wastewater Disposal. Where municipal sewer service is not provided, the septic system shall meet NH Water Supply and Pollution Control Division requirements for the combined system demand for total occupancy of the premises.
- F. Design and Construction. At least one (1) connecting door for persons to pass between the primary residence and the accessory dwelling unit shall be provided. No new entrance or exit to the accessory dwelling unit shall be constructed on the street side of the primary residence. Exterior design and construction shall be consistent with that of the primary residence.
- G. Conditional Use Permit Required. As authorized by RSA 674:21(1), a conditional use permit from the Planning Board, in accordance with Article 12, shall be required to allow an accessory dwelling unit. In addition to the criteria set forth in Article 12 for a conditional use permit, the Planning Board must also find that the exterior of the accessory dwelling unit is architecturally consistent with the single family dwelling based on the following criteria:
 - 1. Color or color scheme;
 - 2. Architectural style;
 - 3. Materials and trim;
 - 4. Proportion and style of windows, doors, and other elements; and
 - 5. Massing of the accessory dwelling unit with respect to the single family dwelling.
- H. Impact Fees Required. The creation of a new dwelling unit requires the payment of an Impact Fee in accordance with Article 13.