

# CONDITIONAL USE PERMIT APPLICATION

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

**To Be Completed By Applicant - (Please Print Legibly)**

<b>Submission Date:</b>	<b>Property Owner</b>
<b>Is Conditional Use Permit associated with a Site Plan, Planned Development, or Subdivision?</b>  <input type="checkbox"/> Site Plan <input type="checkbox"/> Planned Development <input type="checkbox"/> Subdivision	Name: _____
	Address: _____
<b>Is this Conditional Use Permit requested for the "Use" or for a "Parking Reduction"?</b>  <input type="checkbox"/> Use <input type="checkbox"/> Parking Reduction	Phone: _____ Email: _____
	<b>Additional Owner</b>
<b>Location/Address of Property:</b>	Name: _____
	Address: _____
<b>Tax Map/Lot No(s):</b>	Phone: _____ Email: _____
	<b>Agent</b>
<b>Zoning District:</b>	Name: _____
	Address: _____
<b>Ward:</b>	Phone: _____ Email: _____
	<b>Have all required application fees been submitted? (Refer to Appendix A)</b> <input type="checkbox"/> Yes <input type="checkbox"/> No <b>Have all required application materials been submitted? (Refer to Appendix F)</b> <input type="checkbox"/> Yes <input type="checkbox"/> No
<b>Has this project gone to the ZBA?</b>  <input type="checkbox"/> Yes Case # _____ <input type="checkbox"/> No	<b>Certification:</b> <i>I hereby certify that the above information is correct and that I have submitted herewith all of the pertinent documentation required.</i>  <hr/> <b>Owner(s) Signature(s)</b>

**Planning & Community Development Use Only – (Do Not Write Below This Line)**

<b>Materials submitted:</b>  <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 _____	<b>Fees:</b>  Application Fee: _____  Add. Review Fees: _____  Abutter Notices: _____  Total: _____	<b>Receipt Stamp:</b>  <div style="text-align: center;">  <p style="font-size: small; margin: 0;">CITY OF MANCHESTER INCORPORATED JUNE 1846</p> </div>
<b>Conditional Use Project Number:</b> _____		

**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)