

DRAFT FOR 12-21-2020 PLANNING BOARD 1st ZONING PUBLIC HEARING

ARTICLE V – I

MIXED-USE ZONING OVERLAY DISTRICT (MUZD)

[Added by ballot ATM 3/11/14, Art. 2, Amended ATM 3/8/16, Art. 2]

The provisions of the Pelham Mixed Use Zoning Overlay District represent an Innovative Land Use zoning classification pursuant to RSA 674:21 that allows by conditional use permit a mix of business and residential uses within the same building or on the same parcel of land. The district is intended to accommodate a physical pattern of pedestrian-friendly, mixed-use development that is traditionally found in neighborhoods within town centers throughout New England.

307-25-1 Purpose (Spirit and intent)

The Purposes of the Pelham **MUZD** are to:

1. Allow the traditional mix of residential, business, governmental and institutional uses within the district;
2. Accommodate retail, service, and other business uses on the ground floor and residential units above or adjacent to the nonresidential space;
3. Promote Pelham Center as a vibrant community gathering place;
4. Implement sidewalks or pathways to provide for pedestrian access, connectivity and safety;
5. Provide increased and more varied housing types and business opportunities.

307-25-2 MUZD Overlay District

The MUZD District is bounded to the EAST by Beaver Brook, to the NORTH at the intersection of Beaver Brook and Windham Road (including lots 22/8-133 and 22/8-134 and all lots with frontage along Windham Road and Mossey Lane), to the WEST by the intersection of Nashua Road and Tenney Road from lot 22/8-136 (including all lots with frontage on Nashua Road and Greenwood Terrace) to the intersection of Nashua Road and Meetinghouse Way (formerly Pelham Common Highway) including all lots with frontage along Meetinghouse Way then southwesterly along the eastern side of Marsh Road to the southernmost boundary of lot 22/7-130 and to the SOUTH by all lots with frontage on Old Bridge Street (excluding the Gibson Cemetery) to Beaver Brook. (Refer to the Pelham Zoning Map which can be found in the Pelham Planning Department or on the Planning Department Website at www.pelhamweb.com/planning/)

307-25-3 Table of Uses within the MUZD [Amended 3-8-16 ATM, Art. 2, Amended 3-12-19 ATM]

Allowed Uses*	
One Single, Duplex or Multi-family Residential Structure Per Lot	Bakeries
Multiple Mixed-Use (Business and Residential) Structures Per Lot	Financial services
Accessory Dwellings	Churches
Assisted Living Home or Group Home	Civic institutions
Professional Offices	Family entertainment
Book stores	Retail (under 10K sq. ft.)
Artist Live/Work/Gallery space	Parking
Research and Development	Health/fitness clubs
Artisan/Craft/Antique/Consignment shops	Spas
Educational Facilities	Banks with or without drive-thru windows and Attached or stand-alone ATMs
Museums	Banquet/function halls
Child care facilities	Farm stands
Medical offices	Existing accessory dwelling units (in-law apartments) within the MUZD may be used as market rentals without limitation to family members or caregivers, subject to demonstration of septic capacity necessary to support increased residential use.
Parks	
Lodges/clubs	
Veterinarians' offices	
Restaurants	
Bed and Breakfasts	
*ANY USES NOT LISTED ABOVE ARE PROHIBITED WITHIN THE MUZD	

307-25-4 Conditional Use Requirements [Amended 3-8-16 ATM, Art. 2]

Within the District, lot uses, lot size, density and setbacks are more flexible than are allowed in the underlying Residential Zoning District or within Pelham Zoning Article III, Chapter 307-12, Dimensional Requirements. When an increase in the density or mix of permitted uses of the lot is proposed, or when a relaxation of lot size or setbacks is proposed, the applicant shall submit a site plan and conditional use permit application. The Application and site plan shall demonstrate that:

1. The land can support the proposed uses and development in full compliance with the New Hampshire Department of Environmental Services' Env-Wq 1000 Subdivision and Individual Sewage Disposal System Design Rules and subsequent revisions;
2. Adequate area is provided for the installation of onsite stormwater systems or low impact development techniques as described within the Pelham Site Plan Regulations;
3. Adequate area is provided for sidewalks, landscaping and other required site design elements as described within Pelham Site Plan Regulations.

307-25-5 Nonconforming Lots within the MUZD

Pre-existing non-conforming lots will not require variance relief for proposed expansion within the MUZD and an applicant may apply for a conditional use permit.

307-25-6 Setbacks [Amended 3-8-16 ATM, Art. 2]

The front building setback for new structures shall be a minimum of fifteen (15) feet, to provide adequate room for sidewalks and planting strips along town roads which are mandatory within the MUZD.

Side and rear setbacks shall be a minimum of fifteen (15) feet, except when property abuts R-zoned property, in which case the minimum setbacks required in the district shall be the same as required for a residential use within the abutting R-zoned lot.

307-25-7 Building Height [Amended 3-8-16 ATM, Art. 2]

No new building within the MUZD shall exceed two (2) stories above existing grade. The building height for new buildings shall be no more than thirty (30) feet from mean grade to ridge height with the exception of appropriate unoccupied architectural features such as cupolas at the discretion of the Planning Board. This height restriction shall remain until such time as the Town has appropriate fire apparatus to reach taller structures.

307-25-8 Parking

Off street parking requirements, including quantity and design, shall be determined by the Planning Board as part of site plan review. It is strongly recommended that off street parking be accommodated at the rear of the property whenever possible and practical in the Planning Board's opinion.

307-25-9 Building appearance

All applications for new structures or exterior changes to existing structures shall include color architectural renderings showing a traditional New England appearance for Planning Board review. The Planning Board shall, in its discretion, determine whether proposed building architecture is compatible with traditional New England character as described in the Architectural Design Standards within the Pelham Site Plan regulations.

307-25-10 Signage within the MUZD District

No internally illuminated signs including plastic, neon or electronic messaging signs will be permitted within the district including within windows. A color rendering of all proposed signage must accompany any site plan application. The Planning Board shall have discretion to require signage that is compatible

with a traditional New England appearance including wood or material that invokes a carved wood or engraved stone appearance. Only one building façade sign and one ground sign are allowed per business. No sign shall exceed twenty-five (25) Square feet in size.

307-25-11 Savings Clause

In the event of any discrepancy between the underlying residential district and the MUZD, overlay district, the MUZD language shall apply.