

Town of Bedford, NH 2012 Zoning Amendments

Amendment No. 1

Are you in favor of the adoption of Amendment No. 1 as proposed by the Planning Board for the Bedford Zoning Ordinance to amend Article 275-7 District Names, Article 275-8 Location of Districts and the Zoning Map, Article VIII U.S. Route 3 Corridor Performance Zoning District, Article 275-73 Signs, Article 275-74 District Regulations for Signage and Attachment 1 – Table 1 Table of Dimensional Regulations to modify 27 varied references to U.S. Route 3 Corridor Performance Zoning District to all read Performance Zoning District.

[This amendment is intended rename the U.S. Route 3 Corridor Performance Zoning District to simply be the Performance Zoning District which will allow for Performance Zoning to be used in other parts of the Town should it ever be proposed. The complete listing of the renaming locations is on file for public viewing at the Town Clerk's Office and the Town's Website.]

Amendment No. 2

Are you in favor of the adoption of Amendment No. 2 as proposed by the Planning Board for the Bedford Zoning Ordinance to amend Article 275-7 District Names, Article 275-8 Location of Districts and the Zoning Map, Article 275-21 Use Regulations, Article 275-22 Dimensional Regulations, Article 275-73 Signs, and Article 275-74 District Regulations for Signage summarized as follows:

To create a new Commercial-2 zoning district and to rezone Lots 1-24-1, 1-24-2 and 10-2 located at the intersection of Route 114 and Donald Street Extension to be Commercial-2. The Commercial-2 district will allow for buildings with footprints in excess of 40,000 square feet.

[This amendment is intended to create a new zoning district title Commercial-2 and rezone the three lots that make up the current Commercial Zone located at the intersection of Route 114 and Donald Street Extension to be Commercial-2. Creating the Commercial-2 district will provide flexibility for commercial developments with building footprints in excess of 40,000 square feet to be located in a portion of town other than the Performance Zone. The complete text of the 3-page amendment is on file for public viewing at the Town Clerk's Office and the Town's Website.]

Amendment No. 3

Are you in favor of the adoption of Amendment No. 3 as proposed by the Planning Board for the Bedford Zoning Ordinance to create new Article XV River Corridor Smart Growth Overlay District.

[This amendment is intended to create an overlay district that would provide for more compact mixed use projects, which could include residential components within the Performance Zone provided certain design and zoning standards are met. The creation of this overlay is a recommendation of the 2010 Master Plan. The complete text of the 17-page amendment is on file for public viewing at the Town Clerk's Office and on the Town's Website.]

[Click here to see a video presentation on this proposal](#)

Amendment No. 4

Are you in favor of the adoption of Amendment No. 4 as proposed by the Planning Board for the Bedford Zoning Ordinance to amend Article 275-6 Definitions, Article 275-74 District Regulations for Signage, Article 275-68 U.S. Route 3 Corridor Performance Zoning District Sign Standards and Attachment 6 – Table 6 Table of Performance Zone Sign Standards, summarized as follows:

To create a new projecting sign category and to allow for projecting signs not to exceed 8 square feet in the Commercial, Office, Neighborhood Commercial, Highway Commercial, Service Industrial and Performance Zoning districts.

[This amendment is intended to allow for most business to have up to an 8 square foot projecting sign. Projecting signs are generally intended for being viewed from within the lot and will not be internally illuminated. The complete text of the 2-page amendment is on file for public viewing at the Town Clerk's Office and on the Town's Website]

Amendment No. 5

Are you in favor of the adoption of Amendment No. 5 as proposed by the Planning Board for the Bedford Zoning Ordinance to:

Amend Article 275-6 Definitions by adding the following words shown in bold as follows:

“Structure” – A combination of materials for occupancy or use, such as a building, bridge, trestle, tower, framework, **an above ground** tank or group of tanks exceeding 500 gallons, tunnel, tent, stadium, platform, shelter, pier, wharf, bin, sign, fences and retaining walls over six feet (6') in height, swimming pools, sports courts, or the like.

Amend Article 275-28 Specific Provisions subsection A by adding the words in bold as follows:

Structures **and underground storage tanks** shall be set back at least fifty feet (50') from Hydric A soils and at least fifty feet (50') from Hydric B soils.

[This amendment is intended to allow tanks or groups of tanks that exceed 500 gallons which are located below ground to be exempt from the minimum structure setback requirements but not the wetland structure setback.]

Amendment No. 6

Are you in favor of the adoption of Amendment No. 6 as proposed by the Planning Board for the Bedford Zoning Ordinance to amend Article 275-8 Location of Districts and the Zoning Map to remove the Historic District Overlay from those properties that have a base zone classification of Commercial.

[This amendment is intended remove the commercial properties primarily along Route 101, Chestnut Drive and Bedford Center Road from the Historic District. A map of the area to be rezoned is on file for public viewing at the Town Clerk's Office and the Town's Website.]

Amendment No. 1 Relative to the renaming of the U.S. Route 3 Corridor Performance Zoning District

I. Amend Article 275-7 District Names, Article 275-8 Location of Districts and the Zoning Map, Article VIII U.S. Route 3 Corridor Performance Zoning District, Article 275-73 Signs, Article 275-74 District Regulations for Signage and to amend Attachment 1 – Table 1 Table of Dimensional Regulations to modify 27 varied references to U.S. Route 3 Corridor Performance Zoning District to all read Performance Zoning District as listed in the specific locations below and as shown in strikethrough and insert callout in the attached document.

- Article 275-7 District Names
- Article VIII U.S. Route 3 Corridor Performance Zoning District
- Article 275-58 Purpose
- Article 275-59 Boundaries
- Article 275-61 Permitted Uses
- Article 275-61 subsection R
- Article 275-62 subsection A (2)
- Article 275-62 subsection B (1)
- Article 275-62 subsection B (3) (d) (1)
- Article 275-63 subsection (A)
- Article 275-63 subsection (A) (4)
- Article 275-63 subsection (E) (8) (a)
- Article 275-68 subsection (B) (1)
- Article 275-70 subsection (A) (1)
- Article 275-70 subsection (C)
- Article 275-71 subsection (E) (5)
- Article 275-73 subsection (A)
- Article 275-74 subsection (H)
- Article 275 attachment 1:2 footnotes 13 and 16

**CHAPTER 275
ZONING
ORDINANCE**

**TOWN OF BEDFORD
NEW HAMPSHIRE**

REVISED MARCH 8, 2011

WIRELESS TELECOMMUNICATIONS FACILITIES — As defined in § 275-38.
[Amended 3-14-2000⁶]

WORKFORCE HOUSING — Any housing unit that is affordable to households based on the following standards: **[Added 3-10-2009]**

- A. "Workforce rental housing" is defined as a housing unit that has a monthly rent not exceeding 30% of the gross income of a household earning no more than 60% of the median income for a three-person household for the Manchester, New Hampshire, Fair Market Rent Area as published annually by the United States Department of Housing and Urban Development;
- B. "Workforce ownership housing" is defined as housing that can be purchased at a price, including the combination of mortgage loan debt service, property taxes and insurance, that does not exceed 30% of the gross income of a household earning no more than 100% of the median income for a four-person household for the Manchester, New Hampshire, Fair Market Rent Area as published annually by the United States Department of Housing and Urban Development.

YARD, FRONT — An open unoccupied space within and extending the full width of the lot, between the street property line and the closest part of a structure nearest to such street line. In the case of a corner lot which has frontage on two streets, the yard areas abutting both streets shall be considered front yards for setback purposes.

YARD, REAR — An open unoccupied space within and extending the full width of the lot, between the rear lot line and the closest part of the structure nearest to such lot line.

YARD, SIDE — An open unoccupied space within the lot between the side lot line, not a street line, and the parts of the structure nearest to such lot line.

ZERO LOT LINE HOUSING — The location of a building on a lot in such a manner that one or more of the building's sides rest directly on a lot line. No building or structure projections, including roof eaves, bay windows, rain leaders, or chimneys shall project across the lot line. **[Added 3-14-2000]**

ARTICLE II
Establishment of Districts

§ 275-7. District names.

For the purpose of this chapter, the Town of Bedford is hereby divided into the following districts:

- RA Residential and Agricultural
- GR General Residential
- AR Apartment Residential
- CI Civic and Institutional

6. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).

CO	Commercial
OF	Office
NC	Neighborhood Commercial
HC	Highway Commercial
SI	Service Industrial
IP	Industrial Park
WCD	Wetland Conservation District (overlay)
FLP	Floodplain Development District (overlay)
HD	Historic District (overlay)
PZ	Route 3 Corridor Performance Zone [Added 3-9-1993]

§ 275-8. Location of districts.

The location of said districts is delineated on the map entitled "Zoning Map, Town of Bedford," as amended, which shall hereinafter be referred to as the "Zoning Map" and shall be made part of this chapter. [RSA 674:20]

§ 275-9. Interpretation of district boundaries.

Where any uncertainty exists with respect to the boundary of any district as shown on the Zoning Map, the following rules shall apply:

- A. Boundaries indicated as a street, utility line, and watercourse or other water body shall be construed to be the center line thereof.
- B. Boundaries indicated as following approximately parallel to a street, utility line, and watercourse or other water body shall be construed to be parallel to the nearest line thereof, and the number placed on the Zoning Map between the boundary and such line shall be the distance in feet between them as measured at a right angle from such line.
- C. Where a boundary apparently follows a property line, it shall be interpreted as such. Such property line shall be interpreted as one existing at the time of enactment of this chapter.
- D. Where a boundary is indicated as intersecting the center line of a street, utility line, and watercourse or other water body, it shall be construed to intersect at right angles to said center line or, in the case of a curved center line, at right angles to the tangent of the curve at the point of intersection.
- E. In the case of uncertainty of the location of a district boundary, the Zoning Administrator shall determine the exact location of said boundary. An aggrieved party may appeal this decision to the Zoning Board of Adjustment.

- (2) Modifications to an application must be approved by the Historic District Commission at a regular public hearing.
- (3) In the event that an unanticipated modification is discovered to be necessary during the actual construction process, the Bedford Building Code Official may allow a reasonable substitution in design or materials. The applicant shall then immediately file an amended plan with the Historic District Commission.

§ 275-54. Appeals.

Any person or persons jointly or severally aggrieved by a decision of the Historic District Commission shall have the right to appeal that decision to the Zoning Board of Adjustment in accordance with state law.

§ 275-55. Enforcement [Added 3-12-1996]

- A. The exterior work of the approved application must be completed within two years after the issuance of the certificate of approval. "Exterior work" is defined as construction of the building, painting, landscaping, driveways, and retaining walls.
- B. Failure to complete the exterior work within two years, or receive an extension of time from the Historic District Commission, shall result in enforcement by the Zoning Administrator of § 275-87, Violations and penalties, of this chapter. [Amended 3-14-2006]

ARTICLE VIII

~~U.S. Route 3 Corridor~~ Performance Zoning District

§ 275-56. Statutory authority. [Amended 3-8-1994]

This Article VIII is enacted by the Town of Bedford pursuant to RSA 674:21, II. This innovative land use control ordinance shall provide for all approvals, including the granting of conditional or special use permits, by the Planning Board. Any decision made by the Planning Board under this innovative land use control ordinance may be appealed directly to Superior Court in the same manner provided by statute for appeals from the Planning Board, as set forth in RSA 676:5, III, and RSA 677:15. A waiver process from particular requirements set forth in Article VIII may be employed by the Planning Board where the applicant demonstrates substantial compliance with the standards set forth in Article VIII, § 275-58, Purpose, Subsections A through E.

§ 275-57. Intent.

- A. Zoning was first implemented as a technique for separating incompatible types of land development, thereby protecting low-intensity uses from the harmful or disagreeable impacts of high-intensity uses. However, conventional zoning may produce its own set of undesirable side-effects.

- B. As design and technology continually change in the marketplace, new types of land uses are proposed which cannot be easily assigned to existing zoning classifications. Too often, innovative land developments are either denied outright (resulting in loss of tax revenue to the municipality), appealed to the Zoning Board of Adjustment (where special conditions are imposed), or subjected to lengthy rezoning procedures (requiring a Town-wide ballot vote).
- C. Performance standards measure the quantifiable impacts of each proposed development rather than prohibiting certain classes of land use. This type of zoning offers an alternative method for implementing community goals as outlined in the 1990 Bedford Master Plan and the 1983 Route 3 Corridor Study, while protecting the right of private property owners to utilize their land according to highest and best use.

§ 275-58. Purpose.

The purposes of this ~~U.S. Route 3 Corridor~~ Performance Zoning District Ordinance are:

- A. To attract environmentally acceptable commercial, industrial, recreational, institutional, and residential uses to the District;
- B. To encourage diversity in the community tax base through appropriate flexibility in land use and land use development;
- C. To optimize financial return on public infrastructure investments and expenditures, including municipal sewer, municipal water supply, the Manchester Airport, Class I and II public highways, and the Merrimack River amenities;
- D. To minimize adverse traffic impacts on U.S. Route 3, the I-293/NH Route 101 Interchange, and surrounding local streets and roadways; and
- E. To preserve valuable historical, cultural, and natural features within the district and to minimize adverse environmental impacts such as water, air, light, noise pollution, flooding, clear cutting of vegetation, and the blocking of scenic views.

§ 275-59. Boundaries of ~~U.S. Route 3 Corridor~~ Performance Zoning District.

The boundaries and extent of the ~~U.S. Route 3 Corridor~~ Performance Zoning District are as delineated and depicted on the map entitled "Zoning Map, Town of Bedford, NH 1993," and as afterwards amended.

§ 275-60. Definitions.

Except where specifically defined or otherwise referenced within this article, words and terms used are intended to imply their customary definition and meaning. The following words and terms are specifically defined as follows:

ADULT BOOKSTORE or ADULT VIDEO STORE — A commercial establishment that devotes more than 15% of the total display, shelf, rack, wall, table, stand or floor area, utilized for the display and sale of the following items listed in Subsection A and B below.

SEXUAL ENCOUNTER CENTER — A business or commercial enterprise that, as one of its primary business purposes, offers for any form of consideration: **[Added 3-14-1995]**

- A. Physical contact in the form of wrestling or tumbling between persons of the opposite sex; or
- B. Activities between male and female persons and/or persons of the same sex when one or more persons is in the state of nudity; or
- C. Where the activities in Subsection A or B is characterized by an emphasis an activities which meets the definition of "harmful to minors" and/or "sexual conduct", as set forth in RSA 571-B:1.

SHARED-ACCESS DRIVES — Any privately owned curb cuts and/or traveled ways which provide common access to more than one property.

U.S. ROUTE 3 — That section of highway known locally as South River Road, which runs the length of Bedford, between the Merrimack and Manchester corporate boundaries.

WATER-DEPENDENT STRUCTURES — A dock, wharf, pier, breakwater, swimming float, boat ramp, or other similar structure or part thereof.

§ 275-61. Permitted uses. [Amended 3-14-1994]

All land uses, or combinations thereof, enumerated hereunder are permitted within the ~~U.S. Route 3~~ Performance Zoning District subject to review for suitability by the Planning Board. Prior to any Planning Board approval of a proposed use, the applicant must demonstrate that the proposed use will meet all of the performance standards established in the following sections, the Bedford Subdivision Regulations, the Bedford Nonresidential Site Plan Review Regulations, and shall not produce any negative impacts on surrounding properties.

- A. Research and development operations.
- B. Manufacturing.
- C. Warehousing and truck terminal facilities.
- D. Professional and business offices.
- E. Retail, wholesale and rental trades, commercial service, and repair facilities.
- F. Restaurants, fast-food restaurants, hotels, motels, and other hospitality services.
- G. Medical/dental services and related facilities, including hospitals and nursing homes and assisted living facilities. **[Amended 3-14-2006]**
- H. Personal service establishments.
- I. Government facilities and services.
- J. Places of worship and related religious facilities.
- K. Public and private educational institutions.

- L. Public and private commercial and noncommercial recreation areas and open space.³²
- M. Agriculture.
- N. Excavation operations.
- O. Water-dependent structures.
- P. Business center developments.
- Q. Membership clubs.
- R. Gasoline service stations. Gasoline service stations are subject to Footnote 12 in Table 2, Table of Uses, of this chapter.³³ Gasoline service stations and their accessory uses may be permitted in the PZ Zone only by the granting of a conditional use permit by the Planning Board. Applications for a conditional use permit shall address the following: purpose of the ~~Route 3~~ Performance Zoning District, dimensional standards, highway improvements, sewer and water connections, setbacks, landscaping, signage, parking, screening of refuse and pumps, lighting, environmental safeguards, nuisance odors, market data to support the proposed location, access to a signalized intersection, existing and future traffic analysis, identification of existing stations within a five-mile radius, and provisions for termination of the conditional use permit if the station is abandoned. **[Added 3-10-1998³⁴]**
- S. Banks and other financial institutions.
- T. Funeral homes.
- U. Parking lot/structure.³⁵
- V. Information processing.
- W. Day-care facilities.
- X. Adult entertainment businesses. Adult entertainment businesses are subject to § 275-72. **[Added 3-14-1995³⁶]**
- Y. Kennel. **[Added 3-11-2008]**

§ 275-62. Dimensional performance standards.

- A. Table of Performance Dimensional Standards.

32. Editor's Note: "Independent elderly housing facilities," which immediately followed this subsection, was deleted 3-14-2006.

33. Editor's Note: Table 2 is included at the end of this chapter.

34. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).

35. Editor's Note: "Multiple residential dwellings," which immediately followed this subsection, was deleted 3-11-1997.

36. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).

- (1) In order to accomplish the stated intent and purpose of this article, as well as ensure that the goals and objectives of both the 1990 Bedford Master Plan and the 1983 Route 3 Corridor Study are fulfilled, performance zoning standards enumerated within Table 3, Table of Performance Dimensional Standards, have been developed.³⁷
- (2) No building or structure shall be erected, enlarged, altered, or relocated, nor shall any existing lot size be changed or new lot created within the ~~U.S. Route 3 Corridor~~ Performance Zoning District, except in accordance with the Table of Performance Dimensional Standards or as otherwise specified within this article.

Performance Zoning District

B. Incentive bonus standards.

- (1) In recognition of the need to protect the overall integrity and character of the ~~U.S. Route 3 Corridor~~, as well as to promote the development of a system of local roads and utilities for properly servicing properties within the ~~U.S. Route 3 Corridor~~ Performance Zoning District, the performance zoning standards presented in Table 3, Table of Performance Dimensional Standards, have been formulated so as to include incentive bonus standards.
- (2) These incentive bonus standards have been created as means for rewarding those who choose to voluntarily develop their properties in a way that is most compatible with the stated goals and objectives of the 1990 Bedford Master Plan and the 1983 Route 3 Corridor Study.
- (3) Incentive bonus standards which are implicit in these performance zoning standards include:
 - (a) Minimum lot areas and frontage.
 - [1] Purpose. Recognition that less restrictive minimum lot area and frontage requirements for sites which either front on local roads or have shared access from Route 3 can promote favorable development along this corridor, without adversely affecting traffic patterns.
 - [2] Reduction in minimum lot area and frontage. As an incentive bonus to encourage this concept of local road construction and/or shared access, minimum lot area and frontage requirements will be relaxed from a minimum lot size of three acres with 300 feet of frontage, to 1.5 acres with 150 feet of frontage when a municipal water supply and/or municipal sewer is not available.
 - [3] Waiver of soils and steep slopes regulation. The Planning Board may further waive the soils and steep slopes regulation contained within the Subdivision Regulations of the Town of Bedford, New Hampshire, for sites created under this incentive bonus standard. (See Figure 4, Incentive Bonus Standards.³⁸)

37. Editor's Note: Table 3 is included at the end of this chapter.

38. Editor's Note: Figure 4 is included at the end of this chapter.

(b) Municipal sewer and water connections.

- [1] Purpose. Recognition that sites created which take advantage of the incentive bonus standard outlined above should have an additional incentive bonus to expend funds for connection to municipal sewer and a municipal water supply.
- [2] Reduction in minimum lot area and frontage. This incentive bonus standard is provided by allowing these sites to further reduce minimum lot area to one acre with 75 feet of frontage.
- [3] Waiver of construction improvements. This incentive is provided in order to offset the cost of providing these utilities. This incentive bonus can also be attained by contributing funds to a Town-administered fund for future utility connection in lieu of actually constructing these improvements at the time of subdivision. (See Figure 4, Incentive Bonus Standards.)

(c) Easement deeds.

- [1] Land within 50 feet of U.S. Route 3. Recognition that individuals who voluntarily agree to provide easement deeds over that portion of their land within 50 feet of the present center line of U.S. Route 3, thereby reserving this easement area for future widening or similar improvements to this corridor, may be compensated for this action by being allowed to develop their properties to an extent greater than that allowed by the maximum impervious coverage requirements otherwise permitted within this district.
- [2] Excess impervious coverage. The amount of excess impervious coverage allowed being equal to the actual computed area of the easement area provided for future improvements. (See Figure 3, Incentive Bonus Formula for Route 3 Easement.³⁹)

(d) Front structure setback.

- [1] In recognition of the need to protect the aesthetic qualities of the ~~Route 3 Corridor~~, while still maintaining appreciation for the needs of all potential users, an incentive bonus standard has been developed wherein front structure setback requirements may be relaxed for those who choose to develop sites in such a way as to place parking pavements to the side and rear of proposed buildings.
- [2] Those who choose to take advantage of this incentive bonus standard may reduce their required front structure setback by 50% of that otherwise required within this district subject to the minimum front structure setback dimension. In effect, use of this incentive bonus

Performance
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39. Editor's Note: Figure 3 is included at the end of this chapter.

standard expands the envelope of available building area on any given site.

- (e) Minimum lot area. The minimum lot area shown in Table 3, Table of Performance Dimensional Standards,⁴⁰ may be reduced if all the following criteria are met:
 - [1] A parcel of land, with an area greater than or equal to the difference between the minimum required lot area from Table 3, Table of Performance Dimensional Standards, and the proposed lot area is deeded in fee simple to the Town of Bedford or a nonprofit organization acceptable to the Bedford Town Council;
 - [2] Those utilizing this performance standard must offer any land, which is not to be retained by the subdivider, to the Bedford Town Council. In considering any such offer, the Town Council may elect to accept the land for Town ownership and use; reject the offer; or defer ownership to a third party, nonprofit organization of their selection for permanent use as public recreation, conservation, open space, or historic preservation;
 - [3] The parcel to be retained by the subdivider shall meet applicable NHDES lot sizing criteria when public sewers are not available at the time of subdivision. Further, the Planning Board may elect to waive the soils and steep slopes based lot sizing requirements contained within the Subdivision Ordinance of the Town of Bedford;
 - [4] Any parcel created under this performance standard shall have a total area of not less than 1/2 acre.

Performance Zoning District

§ 275-63. Minimum landscape performance standards. [Amended 3-8-1994]

- A. Intent. To preserve and enhance the aesthetic qualities of the ~~Route 3 Corridor~~ by establishing a matrix of landscape design and planting options which perform in relationship to the intensity of the proposed land use. It is anticipated that through the implementation of landscape strips and incentive bonuses, the following objectives can be accomplished:
 - (1) Diminish potentially adverse impacts of structures, lighting glare, noise, wind velocities, and odors which could result from permitting widely varying land uses on adjacent parcels;
 - (2) Ensure that each tract of land has benefit of an adequate buffer between neighboring parcels in order to preserve and protect property values;
 - (3) Promote an aesthetically pleasing relationship of scale between buildings and their natural surroundings;

40. Editor's Note: Table 3 is included at the end of this chapter.

- (4) Reinforce the visual image of Bedford's ~~Route 3 Corridor~~ as tree-lined streets, through the planting of native shade trees along roadways, installation of underground utilities, and design of monument or pedestal signage rather than pole signage; and
 - (5) Encourage a pedestrian-friendly environment through the inclusion of sidewalks, barrier-free street crossings, mass transit shelters, public benches, and bicycle racks.
- B. General landscape provisions.
- (1) Plantings requirements. All plantings required by this article shall be installed according to accepted horticultural standards and shall be regularly maintained. Required plantings shall be replaced as necessary in order to maintain compliance with these zoning standards.
 - (2) Verification of incentive bonuses provisions/waivers. Where incentive bonuses or waivers are employed, the Bedford Planning Department shall have the ability to verify the effectiveness, health, size, and number of retained plantings at the completion of construction. Any deficiencies found with regard to these items shall be corrected and may require the installation of additional plantings prior to the issuance of a certificate of occupancy.
 - (3) Waivers for public safety. None of the landscape requirements contained within this article shall be construed so as to require installation of improper plantings where safe site distance at drives or along public streets may be inhibited by such plantings. The Planning Board may waive any landscape requirements of this article when deemed to be necessary for reasons of public safety.
- C. Landscape areas. (See Figure 5, Designated Landscape Areas.⁴¹)
- (1) Open space.
 - (2) Street tree landscape strip.
 - (3) Front landscape strip.
 - (4) Side and rear landscape strips.
 - (5) Exterior pavement landscape strips.
 - (6) Interior pavement landscape strips.
 - (7) Signage landscape strip.
 - (8) Screening of unsightly features.
- D. Incentive bonus standards.

41. Editor's Note: Figure 5 is included at the end of this chapter.

- (c) Plantings. All monument or pedestal sign bases shall be planted with shrubs or ground cover with a minimum height and width of 18 inches at the time of planting.
 - (d) Incentive bonuses. Healthy vegetation which is preserved in the location of the signage landscape area, may be substituted for the required plantings.
- (8) Screening of unsightly features.
- (a) Intent. This section is intended to preserve the visual aesthetics of the ~~Route 3~~ Performance District by blocking or minimizing the view of refuse, materials storage, loading/receiving docks, and utility installations.
 - (b) Location.
 - [1] Refuse storage areas, stockpiled materials for packaging and commercial/industrial by-products, and other materials stockpile areas shall be located so as to be out of view from any abutting property and/or public rights-of-way. In cases where this is not possible, these items shall be properly located within a secured area which has been effectively screened. As a minimum, all such areas shall be contained within a stockade, chain link, or similar enclosure which is at least as tall as the object(s) to be screened. Further, the perimeter of any such enclosure shall be subject to the landscape screening requirements outlined herein.
 - [2] Loading docks and receiving areas, as well as large aboveground utility fixtures, shall be located so as to be out of view from abutting properties and/or public rights-of-way. In cases where this is not possible, these facilities shall be effectively screened in accordance with the minimum landscape screening requirements outlined herein. ("Large aboveground utility fixtures" are defined as any public or private utility component which has a total footprint area of greater than 50 square feet, or has an average height of more than four feet.)
 - (c) Plantings. Minimum landscape screening requirements for use in satisfying each of the above criteria shall include the planting of one evergreen tree or shrub per 10 linear feet of required screen length or perimeter. The height of required trees or shrubs shall be equal to 1/2 of the maximum height of the item requiring the screen at the time of planting. Required plantings shall be placed at regular spacings so as to maximize the overall density of the landscape screen.
 - (d) Incentive bonuses. An enclosure either attached or detached from a principal structure, constructed of rigid architectural materials, which are visually compatible with those of the principal structure, may be used to satisfy the requirements of this section and may be substituted for the requirements outlined above.

MONUMENT SIGN — A separate structure supported from grade to the bottom of the sign with a base or wall that is larger than the sign. A sign for identification of the business or center as a whole and for listing the major tenants and their building numbers/address numbers. (See Figure 11, Center Identification Sign.)

NONCONFORMING SIGN — A legally established sign which fails to conform to the regulations as presented or referenced herein.

SIGN — Any object, devise, display, structure, or part thereof, situated outdoors or indoors, which is used to advertise, identify, display, direct, or attract attention to an object, person, institution, organization, business, product, service, event, or location by any means, including words, letters, figures, design, symbols, fixtures, colors, illumination, or projected images.

SIGN AREA — The entire face, including the surface and any molding, framing, and projections, but not including the base, wall, or column supports. Individual letters and logos mounted on a building shall be measured by the area enclosed by four straight lines outlining each word and logo.

WALL SIGN — A sign fastened or painted onto a wall.

B. General provisions.

- (1) The adopted Bedford Zoning Ordinance, revised March 9, 1993, Article IX, Signs, § 275-73, General provisions, Subsections A through N, and § 275-75, Political signs, shall apply to the ~~U.S. Route 3 Corridor~~ Performance Zoning District. (See Table 6, Table of Performance Sign Standards.⁵⁶)
- (2) A sign pertaining to the lease or sale of a lot or building on which it is placed shall be allowed as long as such sign does not exceed 18 square feet.
- (3) Direct and indirect lighting.
 - (a) Direct and indirect lighting methods are allowed, provided that they are not unnecessarily bright.
 - (b) Internally lit panels shall be opaque and only the lettering shall appear to be lighted.
 - (c) Externally lit signs are encouraged.
- (4) Prohibited signs. Animated, moving, flashing, and noisemaking signs are not permitted.
- (5) Lettering on a sign. The letter area, as it relates to the overall sign background area, shall be in proportion. In general, letters shall not appear to occupy more than 75% of the sign panel area.

C. Identification sign (building).

56. Editor's Note: Table 6 is included at the end of this chapter.

§ 275-70. Environmental performance standards.**A. General provisions.**

- (1) Environmental performance standards specific to the ~~U.S. Route 3 Corridor~~ Performance District, enumerated herein, have been developed in order to protect the long-term environmental quality and overall vitality of this district.
- (2) The variety of permitted uses, taken together with often intensive land use patterns and an inventory of environmental resources specific to this district, necessitates this series of environmental performance standards.
- (3) In addition to the provisions of this article, development within this district shall also be subject to applicable local, state, and federal land use controls and regulations. The content of this article shall not be construed to imply relief from the requirements of state or federal statutes.

B. Performance standards related to noise.

- (1) Intent. These performance standards governing noise are intended to ensure that the rights of property owners, as well as the overall health and general welfare of the district, are not diminished by unreasonable noise levels generated within the district.
- (2) Maximum permissible sound level. The maximum permissible sound level produced by any continuous, regular, or frequent source of sound or noise, produced by any permitted use or activity within this district, shall not exceed a measurable level of 75 dB beyond the property boundaries of the site upon which the sound or noise is generated or originates.
- (3) Sound or noise abatement. In order to comply with these maximum sound level requirements, sound or noise level abatement techniques may be used to mitigate levels of site-generated sound or noise. To this end, modern acoustical technology may be applied to achieve compliance with these regulations.
- (4) Measurements of sound or noise. In cases where sound measurements are required in order to ensure compliance with these regulations, measurements shall be taken:
 - (a) With a device meeting the standards of the American Standards Institute, American Standard Specifications for General Purpose Sound Level Meters;
 - (b) At a height of four feet above prevailing grade at the property boundary in question;
 - (c) With the instrument set to the A-weighted response scale; and
 - (d) Recorded by an individual familiar with sound measurement and the particular device being used.
- (5) Exemptions.

- (a) Activities related to public and private construction or maintenance work, agriculture, timber harvesting, emergency warning devices, and other similar short-term or temporary uses may be administratively exempted from the requirements of this section if, in the opinion of the Zoning Administrator or his/her agent, sufficient reason exists to do so.
 - (b) In these special circumstances, the Zoning Administrator may place reasonable conditions (such as time limitations and hours of operation) on such an exemption.
- C. Performance standards related to the protection of wetlands. All provisions of Article IV, Wetlands Conservation, of this chapter shall apply to all areas within the ~~U.S. Route 3 Corridor~~ Performance Zoning District.
- D. Performance standards related to the development of steep slope areas.
 - (1) Definition of steep slope areas. For the purposes of this section, steep slope areas shall be defined as naturally existing, continuous areas of land, with a contiguous area of 1/2 acre or more, which have an average cross slope gradient steeper than 25%.
 - (2) Restrictions in steep slope areas. In order to guard against hazards implicit in the development of steep slope areas, construction within these areas shall be limited to those activities which are incidental to the use and/or development of land outside of a steep slope area and shall be subject to the following restrictions:
 - (a) No portion of a steep slope area shall be used for the construction of leaching beds or trenches which are part of a subsurface sewage disposal system;
 - (b) No permanent structures shall be erected on a steep slope area;
 - (c) Not more than 50% of a steep slope area shall be cleared of healthy existing vegetation;
 - (d) Portions of a steep slope area affected by construction activities shall be given special attention with regard to erosion control; and
 - (e) No portion of a steep slope area shall be subject to discharge from a stormwater management system.
- E. Performance standards related to nuisance odors. Uses and activities which produce continuous, regular, or frequent odors and/or emissions, detectable beyond the boundary of the property from which the odor originates, may be prohibited, in whole or in part, if the odor or emission in question is a known health risk or danger or if the Zoning Administrator judges such odor or emission to be harmful to the rights of others to enjoy their property(s).

§ 275-71. Merrimack River Shoreland protection performance standards.

- A. Purpose.

first receive approval from the Bedford Planning Board in accordance with the Bedford Nonresidential Site Plan Regulations.

- [2] Applications to the Bedford Planning Board shall include a site plan, pre- and post-development drainage calculations, a grading plan, a stormwater management and erosion/sedimentation plan, and a landscape plan, prepared by a professional engineer certified by the State of New Hampshire.

D. Restricted uses. The following uses shall require a review or permit from the New Hampshire Department of Environmental Services, the New Hampshire Wetlands Board, the United States Army Corps of Engineers, and/or the United States Environmental Protection Agency, in addition to site plan approval from the Bedford Planning Board:

- (1) Water-dependent structures;
- (2) Public water supply facilities;
- (3) Public water and sewage treatment facilities;
- (4) Public utility lines and structures; and
- (5) Hydroelectric facilities, including dams, dikes, and powerhouses.

E. Prohibited uses. Prohibited uses shall include the following:

- (1) Salt storage sheds;
- (2) Automobile junkyards;
- (3) Solid or hazardous waste facilities;
- (4) Use of any fertilizers (exempting fertilizers used as part of agricultural operations in conformance with best management practices of the New Hampshire Department of Agriculture) other than lime and/or wood ash; and
- (5) The dumping of snow and ice collected from roadways or parking areas outside the ~~Route 3 Corridor~~ Performance Zoning District.

F. Natural woodlands buffer.

- (1) Where existing, a natural woodland buffer shall be maintained within 250 feet of the public boundary line, i.e., the ordinary high-water mark of the Merrimack River, excluding existing and ongoing agricultural activities and development/maintenance activities related to the New Hampshire Heritage Trail.
- (2) Within the natural woodland buffer, the following shall apply:
 - (a) Not more than a maximum of 50% of the basal area of trees, a maximum of 50% of the total number of saplings, and a maximum of 50% of the total area of ground cover shall be removed for any purpose within a twenty-year period.

of another existing adult entertainment business or one for which a building permit has been applied for; and

- (2) Location restrictions.
- (a) No adult entertainment business shall be permitted within 1,000 feet of any other zoning boundary, except when the boundary is bordered by a four-lane highway;
 - (b) No adult entertainment business shall be permitted within 1,000 feet of any church, place of worship, parish house, convent, public, parochial, or private school, kindergarten, state-approved day-care center or public sports/recreation parks; and no adult entertainment business shall be permitted within 1,000 feet of the Town boundaries;
 - (c) No adult entertainment business shall be permitted within 500 feet of an existing residence; and
 - (d) No adult entertainment business shall be permitted within 1,000 feet of another existing adult entertainment business on the date of the passage of this section, and no adult entertainment business shall be permitted within a building, premises, structure or other facility that contains a sexually oriented business as defined in the definitions § 275-60 of the Performance Zone.
- D. Measure of distance. The distance between any adult entertainment business and a church, school, residence, etc., or another adult entertainment business shall be measured in a straight line, from property boundary to property boundary, without regard to intervening structures.
- E. Additional reasonable regulations. The Planning Board is empowered hereunder to review and approve permit applications for adult entertainment businesses and impose reasonable restrictions for buffering, outdoor lighting, parking, adequate ingress and egress from the site off of and onto public roads, pedestrian movement, and to provide for appropriate landscaping and building aesthetics in the Nonresidential Site Plan Review Regulations of the Town of Bedford, New Hampshire, and to avoid site development layout which may result in negative environmental impacts.⁶⁰

ARTICLE IX

Signs

[Added 3-13-1984]

§ 275-73. General provisions.

- A. In all districts, except the ~~U.S. Route 3~~ Performance Zone, no advertising sign shall be located less than 50 feet from any side or rear property line nor less than 10 feet from the edge of any street right-of-way. In the ~~U.S. Route 3~~ Performance Zone, no freestanding advertising sign shall be located less than 30 feet from any side or rear property line nor

60. Editor's Note: Original Article 45-10, Off-Street Parking Requirements, which immediately followed this section, was moved to the Bedford Land Development Control Regulations, which are on file in the Clerk's office.

G. Highway Commercial District.

- (1) The following business signs are allowed:
 - (a) One projecting ground or pole sign not to exceed 32 square feet in surface area; and
 - (b) One flat sign to a business unit not to exceed 32 square feet in surface area.
- (2) The sign pertaining to the lease or sale of a lot or building on which placed shall be allowed so long as such sign does not exceed 18 square feet. **[Added 3-14-1989]**
- (3) Any wall sign or freestanding sign located 150 square feet or more from the edge of any street right-of-way providing frontage to a lot may increase the sign area by utilizing a formula of: distance in feet/4.25 = allowable area of sign. **[Added 3-9-1999]**

H. ~~Route 3~~ Performance Zoning District. **[Added 3-14-1989]**

- (1) All signs shall be set back from the side and rear property lines at least 30 feet and from the front property line at least 10 feet. **[Amended 3-11-2008]**
- (2) Refer to § 275-68 for specific signage standards in the Performance Zoning District (PZ).
- (3) Any wall sign or freestanding sign located 150 square feet or more from the edge of any street right-of-way providing frontage to a lot may increase the sign area by utilizing a formula of: distance in feet/4.25 = allowable area of sign. **[Added 3-9-1999]**

§ 275-75. Political signs. [Amended 3-9-1999⁶³]

Political signs shall conform to all New Hampshire state statutes, including RSA 664:14 et seq. and as may be amended, and enforcement shall be through the office of the New Hampshire Attorney General.

ARTICLE X
Floodplain Development

§ 275-76. General provisions.

- A. This article, adopted pursuant to the authority of RSA 674:16, shall be known as the "Town of Bedford Floodplain Development Ordinance." The regulations in this article shall overlay and supplement the regulations in the Town of Bedford Zoning Ordinance, and shall be considered part of the Zoning Ordinance for purposes of administration and appeals under state law.

63. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).

ZONING

275 Attachment 1

Town of Bedford

Table 1
Table of Dimensional Regulations

(All dimensions are in feet unless otherwise noted.)

Zoning District	Minimum Lot Size ^{1,2,3}	Minimum Frontage	Minimum Structure Setbacks				Maximum Building Height	Maximum Building Coverage (%)	Special Conditions	Wireless Telecom Facilities
			Front Yard	Rear Yard	Side yard					
			Abutting a Lot	Abutting a Street						
RA	1.5 acres	150	25	25	35	35	NA	—	— ¹⁴	
GR	— ¹²	— ¹²	25	25	35	35	NA	—	— ¹⁴	
AR	— ⁴	100	50	30 ⁵	50	35	25	7	— ¹⁴	
CI	—	—	—	—	—	—	25	—	— ¹⁴	
CO	1.5 acres	175	30	30	60	48	— ¹⁸	— ^{6,7,16,17}	— ¹⁴	
OF	1 acre	150	30	30	60	48	25	— ⁷	— ¹⁴	
NC	1 acre	150	30	30	60	36	30	— ^{7,8}	— ¹⁴	
HC	1 acre	150	30	30	60	48	25	— ⁷	— ¹⁴	
SI	3 acre	300	50	50	60	40	25	— ^{7,9,11}	— ¹⁴	
PZ	— ¹³	— ¹³	— ¹³	— ¹³	— ¹³	— ¹³	— ¹³	— ^{13,16}	— ¹⁴	
HD	— ¹⁵	— ¹⁵	— ¹⁵	— ¹⁵	— ¹⁵	— ³⁵	— ¹⁸	— ^{16,17}	— ¹⁴	

BEDFORD CODE

FOOTNOTES:

- 1 Refer to Section § 275-23, Nonconforming lots, structures and uses, for exception to these minimum lot sizes.
- 2 Minimum lot size calculations shall be per dwelling or other principal building except as otherwise specified herein and shall exclude all surface water bodies. No more than 25% of the minimum lot size shall be composed of wetlands.
- 3 In the absence of municipal sewerage facilities, minimum lot sizes within all subdivisions shall, in addition to meeting the requirements of the Zoning Ordinance for the district wherein the subdivision is proposed, shall also comply with the lot size requirements specified in the soils and steep slopes regulation contained within the Town's Subdivision Regulations.
- 4 Minimum lot size per building shall be 40,000 square feet plus 4,000 square feet per dwelling unit. There shall be no more than 12 dwelling units in any one building. Maximum number of bedrooms per dwelling shall not exceed two. There shall be a minimum of 800 square feet of net floor space for each one-bedroom dwelling unit and 950 square feet for each two-bedroom dwelling unit.
- 5 For subdivisions without lot lines the minimum distance between buildings shall be 35 feet.
- 6 A business center development must have a minimum lot size of two acres and minimum frontage of 250 feet.
- 7 A buffer zone shall be provided in accordance with the provisions of § 275-21F(2), Buffer zone.
- 8 No enterprise in this district shall have more than eight full-time employees, including the proprietor.
- 9 No newly constructed building within this district shall be closer than 200 feet to an existing residential dwelling.
- 10 A property being developed by one owner into an industrial park may have more than one principal building or use on a single lot.
- 11 Street access to any lot shall be from a street not a state or federal highway whose intersection with the lot shall be at least 250 feet from any state or federal highway.
- 12 Minimum lot size and frontage shall be as follows:
 - a. Served by both public water and public sewer: lot size, 1/2 acre; frontage, 100 feet. **[Amended 3-14-1995]**
 - b. Served by either public water or public sewer: lot size, one acre; frontage, 120 feet.
 - c. No public water or sewer; lot size 1 1/2 acres, frontage and 150 feet.
- 13 See Article VIII, ~~US-Route-3-Corridor~~ Performing Zoning District, and Table 2, Table of Uses.
- 14 Wireless telecommunication facilities: See § 275-21A, Uses permitted by right, and § 275-21C, Uses permitted by special exception. **[Added 3-11-1997]**
- 15 Lots within the Historic District overlay (HD) shall meet the dimensional requirements of the underlying zoning district unless otherwise specified. **[Added 3-8-2005]**
- 16 Lots in the Commercial Zone (CO), as well as lots in the Commercial Zone with Historic District overlay (HD), and lots in the ~~Route-3~~ Performance Zone (PZ) shall be permitted to have more than one principal building per lot. Multiple buildings on a single lot in these zones shall provide a minimum separation between buildings of 20 feet. Additional separation between buildings may be required by applicable fire or building codes. **[Added 3-8-2005]**
- 17 Each building in the Commercial Zone without a Historic District overlay shall be limited to 40,000 square feet per floor. Each building in the Commercial Zone with a Historic District overlay shall be limited to 25,000 square feet per floor. **[Added 3-8-2005]**
- 18 Lots in the Commercial Zone (CO) and in the Commercial Zone with Historic District overlay (HD) shall be limited to a maximum impervious surface area of 75% of the total lot area instead of a maximum building coverage. **[Added 3-8-2005]**

Amendment No. 2 Relative to the creation of a Commercial-2 Zoning District

I. Amend Article 275-7 DISTRICT NAMES by adding the words in bold as follows:

For the purpose of this chapter, the Town of Bedford is hereby divided into the following districts:

- RA Residential and Agricultural
- GR General Residential
- AR Apartment Residential
- CI Civic and Institutional
- CO Commercial
- CO-2 Commercial-2**
- OF Office
- NC Neighborhood Commercial
- HC Highway Commercial
- SI Service Industrial
- IP Industrial Park
- WCD Wetland Conservation District (overlay)
- FLP Floodplain Development District (overlay)
- HD Historic District (overlay)
- PZ Route 3 Corridor Performance Zone [Added 3-9-1993]

II. Amend Article 275-8 LOCATION OF DISTRICTS and the ZONING MAP, TOWN OF BEDFORD by rezoning Lot 1-24-1 from Commercial, General Residential and Service Industrial to Commercial-2 and Lots 1-24-2 and 10-2 from Commercial to Commercial-2.

III. Amend Article 275-21 USE REGULATIONS subsection B(4)(b)[1] WORKFORCE HOUSING DIMENSIONAL REGULATIONS by adding the words in bold as follows:

In the AR, CO, **CO-2**, OF and SI Zones:

IV. Amend Article 275-21 USE REGULATIONS subsection B(4)(c)[1] WORKFORCE HOUSING DENSITY by adding the words in bold as follows:

In the AR, CO, **CO-2**, OF and SI Zones a maximum of 12 dwelling units per acre shall be permitted. There shall be a maximum of 12 units in any one building in the AR Zone and no restriction as to the number of units in one building in the CO, **CO-2**, OF and SI Zones.

V. Amend Article 275-22 DIMENSIONAL REGULATIONS subsection B(1)(b) by adding the words in bold as follows:

Land for future service roads. Individuals who voluntarily agree to provide fee simple deeds over that portion of their land that is zoned Commercial, **Commercial-2** or Commercial with Historic District Overlay and is shown on a plat approved by the Bedford Planning Board for a new municipal service road to facilitate access management for Route 101 may be compensated by being allowed to develop the remainder of their property to an extent greater than that allowed by the maximum impervious cover requirements otherwise permitted by Footnote 18 of Table 1, Table of

Dimensional Regulations. The amount of excess impervious coverage can be calculated by the formula shown in Figure 1.¹⁸

- VI. Amend Article 275-22 DIMENSIONAL REGULATIONS subsection B(2) by adding the words in bold as follows:

Land for shared-access driveways. Individuals who voluntarily agree to provide easement deeds over that portion of their land that is zoned Commercial, **Commercial-2** or Commercial with Historic District Overlay and is shown on a site plan approved by the Bedford Planning Board for a shared-access driveway to facilitate access management for Route 101 may be compensated by being allowed to develop the remainder of their property to an extent greater than that allowed by the maximum impervious coverage requirements otherwise permitted by Footnote 18 in Table 1, Table of Dimensional Regulations. The amount of excess impervious coverage can be calculated by the formula shown in Figure 2.¹⁹

- VII. Amend Article 275-73 SIGNS subsection J by adding the words in bold as follows:

In the Commercial, **Commercial-2**, Office, Service Industrial, Highway Commercial, Neighborhood Commercial and Performance Zoning Districts, internally lighted permanent sign panels are permitted; however, externally lighted signs are encouraged. Internally lighted sign panels are prohibited in all residential zones and in the Historic District overlay zone. Internally lighted panels shall be opaque, and only the lettering and graphics shall appear to be lighted. Externally lighted signs shall have the light source directed downward onto the sign. Animated, moving, flashing, and noisemaking signs are prohibited. Changeable readerboard signs, whether manual or electronic, are prohibited in all zoning districts. [Amended 3-8-2005; 3-10-2009]

- VIII. Amend Article 275-74 DISTRICT REGULATIONS FOR SIGNAGE subsection C by changing the title, as shown in bold, to read Commercial **and Commercial-2** Districts.

- IX. Amend Article 275-22 DIMENSIONAL REGULATIONS subsection A GENERAL PROVISIONS and Attachment 1 – Table 1 TABLE OF DIMENSIONAL REGULATIONS by adding a row for the CO-2 District which shall have the same dimensional requirements as the CO District including Special Conditions 7 and 16 but without Special Conditions 6 and 17:

- X. Amend Article 275-22 DIMENSIONAL REGULATIONS subsection A GENERAL PROVISIONS and Attachment 1 – Table 1 TABLE OF DIMENSIONAL REGULATIONS Special Condition 16 by adding the words in bold as follows:

Lots in the Commercial Zone (CO), **Commercial-2 (CO-2)** as well as lots in the Commercial Zone with Historic District overlay (HD), and lots in the Route 3 Performance Zone (PZ) shall be permitted to have more than one principal building per lot. Multiple buildings on a single lot in these zones shall provide a minimum separation between buildings of 20 feet. Additional separation between buildings may be required by applicable fire or building codes. [Added 3-8-2005]

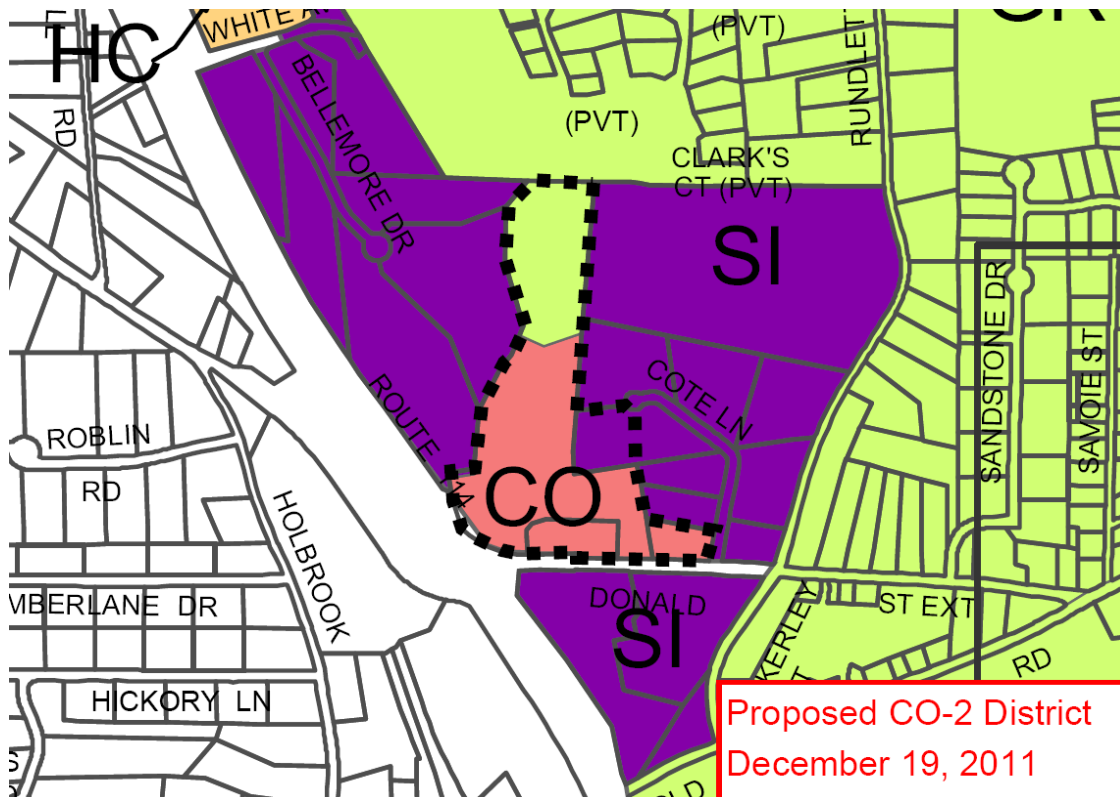
- XI. Amend Article 275-22 DIMENSIONAL REGULATIONS subsection A GENERAL PROVISIONS and Attachment 1 – Table 1 TABLE OF DIMENSIONAL REGULATIONS Special Condition 18 by adding the words in bold as follows:

Lots in the Commercial Zone (CO), **Commercial-2 (CO-2)** and in the Commercial Zone with Historic District overlay (HD) shall be limited to a maximum impervious surface area of 75% of the total lot area instead of a maximum building coverage. [Added 3-8-2005]

- XII. Amend Article 275-21 USE REGULATIONS and Attachment 2 – Table 2 TABLE OF USES by adding a column for the Commercial (CO-2) District which shall have the same uses permitted by right and the same uses permitted by special exception as the Commercial (CO) District

- XIII. Amend Article 275-21 USE REGULATIONS and Attachment 2 – Table 2 TABLE OF USES Special Condition 34 by adding the words in bold as follows:

Fast-food restaurants in the Commercial (CO) **and Commercial-2 (CO-2)** Zoning Districts shall not provide drive-up or drive-through service facilities and shall not provide curb service or outside drive-up or walk-up service windows. [Added 3-8-2006]



Amendment No. 3 Relative to the creation of River Corridor Smart Growth District

**ARTICLE XV. RIVER CORRIDOR SMART GROWTH DISTRICT
("The RC Smart Growth District")**

- § 275-101. Statutory Authority.
- § 275-102. Intent.
- § 275-103. Purposes.
- § 275-104. Boundaries of River Corridor Smart Growth District.
- § 275-105. Definitions.
- § 275-106. Dedication and Location.
- § 275-107. Design Requirements & General Provisions.
- § 275-108. Lot Requirements.
- § 275-109. Building Requirements.
- § 275-110. Street Types and Uses.
- § 275-111. Parking Requirements.
- § 275-112. Utility Requirements.
- § 275-113. RC Smart Growth District Compliance.
- § 275-114. RC Smart Growth District Management.
- § 275-115. Procedures and Submission Requirements.
- § 275-116. Performance Zoning District Provisions Applicable to RC Smart Growth District.
- § 275-117. Effective Date

§ 275-101. Statutory Authority.

This Article XV is enacted by the Town of Bedford pursuant to RSA 674:21. This innovative land use control ordinance shall provide for all approvals, including the granting of conditional or special use permits, by the Planning Board. Any decision made by the Planning Board under this innovative land use control ordinance may be appealed directly to Superior Court in the same manner provided by statute for appeals from the Planning Board, as set forth in RSA 676:5, III, and RSA 677:15. A waiver process from particular requirements set forth in Article XV may be employed by the Planning Board where the Applicant demonstrates substantial compliance with the standards set forth in Article VIII, § 275-58, Purpose, Subsections A through E, provided, however, that said Subsection D is hereby modified to obligate the applicant to mitigate traffic impacts, not minimize them.

The Applicant shall have the option of applying for plan approval pursuant to the zoning controls set forth in this Article or complying with all applicable zoning controls set forth in the Zoning Ordinances of the Town of Bedford for the underlying district or for other overlay zoning that may be therein defined. Smart Growth Development Projects proceeding under this Article shall be governed solely by the provisions of this Article and the RC Projects Design Review Guidelines and shall be deemed exempt from all

other standards and/or procedures of the underlying zoning district and other overlay provisions.

§ 275-102. Intent

Town of Bedford (the “Town”) recognizes that:

- A. Land is a non-renewable resource, and it and other natural resources of this planet are limited, and parcels of land within the Performance Zoning District (the “Performance Zone”) which have no development have diminished, and there is potential for redevelopment and further development of currently developed parcels;
- B. Many societal needs, particularly those of senior citizens and young adults may be best served by zoning which will vary from most current types of real estate development which, in conformance with currently conventional zoning ordinances, excessively separate land uses and result in the requirement of vehicular travel;
- C. It should promote forms of development which facilitate the provision and maintenance of adequate public services and infrastructure;
- D. It should promote forms of development which facilitate all modes of transportation (including foot traffic) and which regulate the design of public space - streets, squares, plazas, greens, parks – for the use and enjoyment of its citizens;
- E. It should seek to ensure an adequate supply of housing which is affordable to households of all income levels;
- F. It should promote forms of development which foster a strong sense of community identity based on a shared, coherent, functionally efficient physical environment and a shared economic, legal, political, social, and cultural environment;
- G. It should adopt policies and ordinances designed to alleviate traffic congestion, conserve energy, provide an alternative means of developing land and otherwise promote public health, safety, and welfare; and
- H. It adopted the following goals and objectives, among others, in the adoption of the 2010 Master Plan:
 - (1) Encourage innovative, higher density mixed use development and redevelopment in the South River Road, U.S. Route 3, area (the “River Corridor”);
 - (2) Promote growth that is environmentally sustainable and capable of withstanding economic downturns;

- (3) Support and stabilize the existing businesses and employment base to the greatest extent possible;
- (4) Ensure that the remaining vacant land and redevelopment along the River Corridor is utilized to the highest and best use for achieving the town's economic objectives;
- (5) Encourage higher density, innovative mixed use development along the River Corridor that creates housing opportunities for all age groups and all income levels, in combination with nonresidential uses, in order to promote efficient land use;
- (6) Encourage higher density of existing commercial areas, and the potential for innovative mixed use, along the River Corridor. Develop a strategy for improving the mix of businesses and residences along the River Corridor to better serve the needs of the community; and
- (7) Maintain the New England-style architectural character of uses along this corridor and improve pedestrian, bicycle and vehicular access.

The Town further recognizes that many American cities and towns established between 1690 and 1940 continue to be desirable places for today's population to live, work, shop and recreate. Such places, developed prior to the intensive use of the automobile and the creation of the interstate highway system, accommodate pedestrians as well as vehicles within their built-up fabric. Essential characteristics of these traditional neighborhoods include:

- I. Dwellings, shops, and workplaces generally located in close proximity to each other;
- J. Appropriately sized buildings fronting on, and aligned with streets in a disciplined manner, generally uninterrupted by parking lots;
- K. Generally regular geometric patterns of streets and blocks arranged to provide comprehensible and interesting routes of travel;
- L. A hierarchy of streets – some narrow and convenient for a balanced mix of both pedestrians and automobiles, while others wider to carry greater traffic and perhaps serve as the major ceremonial avenue, boulevard, or commercial main street;
- M. Well configured squares, greens, gardens and parks woven into street and block patterns and dedicated to collective social activity, recreation and visual enjoyment;
- N. A recognizable, functionally diverse, visually unified neighborhood or town center, often focused on a major civic space such as a village green or square , frequently also linked to a traditionally important cross-roads or waterfront; and

- O. A built-up neighborhood area with an overall size small enough to permit residents and workers, if they so choose, to walk or ride bicycles comfortably rather than being required to drive throughout much of the neighborhood.
The Town recognizes, for the purposes of this section of the Zoning Ordinance, the desirability of promoting an ordinance and a review process designed to recognize all of that cited above and to explicitly promote:
- P. A reduction in the number and length of automobile trips and, consequently, traffic congestion, within the River Corridor Smart Growth District (the “RC Smart Growth District”);
- Q. Increased pedestrian travel to increase citizen security, interaction, neighborliness, and community bonding;
- R. The physical and social integration of citizens diverse in age, lifestyle and economic status;
- S. A diversity in types of housing, shopping, commercial trade, civic facilities, recreation and employment; and
- T. The orderly patterns of streets and blocks, subdivision lots, open space, automobile parking, pedestrian pathways, building mass and height and lot occupancy, based partly on the natural site conditions of the RC Smart Growth District as well as the existing constructed conditions adjacent to the RC Smart Growth District.

It is additionally intended that this section of the Zoning Ordinance will allow for and encourage the expansion of opportunities for the development of land in the Town consistent with the goals and objectives of the adopted Master Plan and other requirements of law.

This “Intent” section of the RC Smart Growth District shall be construed as the Constitution of the RC Smart Growth District and any interpretation of the RC Smart Growth District shall be made in accordance with the principles cited herein.

§ 275-103. Purposes

The purposes of the RC Smart Growth District are:

- A. To provide an opportunity for higher density commercial development, to permit residential development together with commercial development and to especially encourage mixed-use development, including both new construction and renovation of existing buildings, within a distinctive, attractive and livable environment that supports the commercial revitalization of the River Corridor.
- B. To promote continuing development and redevelopment in the River Corridor that is pedestrian friendly and consistent with the Town’s history and architecture.

- C. To ensure high quality site planning, architecture and landscape design that enhances the distinct visual character and identity of the River Corridor and provides an environment with safety, convenience and amenity.
- D. To provide for a diversified housing stock at a variety of costs within walking distance of services and public transportation, including workforce housing and other housing types that meet the needs of the Town's population.
- E. To generate positive tax revenue for the Town, while providing the opportunity for new business growth and additional local jobs.
- F. To encourage preservation and rehabilitation of historic structures and buildings.
- G. To promote efficient use of land and existing parking supply and limit expansion within the district by encouraging shared parking.
- H. To encourage adoption of energy efficient building practices and sustainable construction methods.
- I. To ensure compliance with the New Hampshire Department of Environmental Services stormwater management policies and practices.

§ 275-104. Boundaries of River Corridor Smart Growth District.

The boundaries and extent of the River Corridor Smart Growth District are the same as the Performance Zoning District, which are as delineated and depicted on the map entitled "Official Zone Map, July 15, 2009, Town of Bedford, NH ," and as afterwards amended. The boundaries are delineated as the "River Corridor Smart Growth District" on the Official Zoning Map of the Town of Bedford on file in the Office of the Town Clerk, said map hereby made a part of the Bedford Zoning Ordinance. The River Corridor Smart Growth District is an overlay district that is superimposed over the underlying district.

§ 275-105. Definitions.

The general definitions of the Zoning Ordinance shall pertain to the RC Smart Growth District unless otherwise defined herein. Except where specifically defined or otherwise referenced within this article, words and terms used within the RC Smart Growth District shall have their customary definition and meaning. The following words and terms are specifically defined as follows:

Active Pedestrian Way – Land area or areas developed for immediate use by pedestrians, including sidewalks, bicycle paths and jogging trails.

Building Coverage- For the RC Smart Growth District as a whole, the ratio of the total of all building footprints, excluding civic building's footprints, divided by the total land area in the RC Smart Growth District. For a single lot, the total building(s) footprint(s) on the lot divided by the lot's area.

Civic Building – A building operated by a governmental entity or by not-for-profit organization dedicated to arts, culture, education or transportation, including municipal parking

Civic Use Area(s) – Land areas designated on the plan, upon which publicly or privately owned structures may be erected, and intended for the use, enjoyment and benefit of the community.

Community – The property owners in the RC Smart Growth District.

Dwelling Unit — A structure or a portion of a structure containing in a self-sufficient and exclusive manner facilities for sleeping, bathing, and cooking, including one full kitchen and full bathroom facilities as defined by the State Building Code.

Footprint – The horizontal land area occupied by a Building at finished grade, including enclosed projections and overhangs.

Frontage – That lot dimension along a local service, neighborhood or through street.

Institutional Use — Those uses identified as public/institutional in Table 2, Table of Uses, in §275 of the Zoning Ordinance.

Light Manufacturing – Uses serving the needs of the community for industrial activity which are not offensive to nearby commercial or residential uses. Light manufacturing includes manufacturing or assembly processes carried on completely inside a Building. Light manufacturing shall not produce any of the following adverse impacts, as determined by the Planning Board based on evidence presented, at the boundary of the lot:

- noise at a level greater than typical street or traffic noise;
- hazardous solids, liquids, or gasses for emission to the environment;
- offensive odors or glare; or
- any other adverse impact

Master Developer – The proponent “developer(s)” named within the submission documents as the developer of record at the time of submission of an RC Project to the Planning Board for review, and any successors and assigns.

Open Space Areas – Land area or areas within the RC Smart Growth District, so designated on the plan upon which no structures may be either erected or placed.

Outdoor Storage – Placement on a lot not within a building or structure of supplies, materials, goods, products or surplus materials for more than 5 consecutive days or more than 30 days in any year if not fully screened from public view; if fully screened from public (but not necessarily from aerial) view, then not more than 10 consecutive days or more than 60 days in any year.

Pedestrian – Travel on foot or in a non-motorized vehicle for 5 or fewer persons.

Planning Board – The Town of Bedford Planning Board.

Residential Use — A Building or part of a Building containing Dwelling Units as defined herein and any uses accessory to the Dwelling Units.

River Corridor (RC) – The portion of Bedford which is zoned PZ as delineated and depicted on the map entitled " Official Zone Map, July 15, 2009, Town of Bedford, NH" and as amended.

RC Project – Any mixed-use development submitted and approved under this Article XV.

River Corridor (RC) Smart Growth District – The area of the Town of Bedford to which the RC Smart Growth Ordinance applies.

RC Project Plan — A plan depicting a proposed RC Smart Growth Development Project which is submitted to the Planning Board for its review and approval in accordance with the provisions of this Article XV. The lot or lots comprising an RC Project shall be identified on any plan submitted to the Planning Board for review.

RC Projects Design Review Guidelines (Guidelines)– The additional design criteria, administrative rules and regulations adopted by the Planning Board . These Guidelines shall be applicable to all RC Projects.

River Corridor (RC) Smart Growth Zoning Ordinance – The provisions of Article XV of the Bedford Zoning Ordinance.

Shared Parking – The use of same parking space by two or more uses, where vehicles occupying the parking stall are unlikely to need the stall at the same time of day or day of the week.

Underlying Zoning — The zoning requirements adopted for the Performance Zoning District in Article VIII, as said requirements may be amended from time to time.

Use, Principal — The main or primary purpose for which a structure, Building, or lot is designed, arranged, licensed, or intended, or for which it may be used, occupied, or maintained under this Article XV.

Vista Termination – A lot, building or monument site generally located at an intersection, or an end, of streets or active pedestrian ways, which is prominently visible from one or more streets, or ways, approaching said site.

§ 275-106. Dedication and Location

- A. The RC Smart Growth District Ordinance is available for the development, redevelopment or further development of parcels into an RC Project or RC Projects located in the Performance Zoning District where serviced by public sewer and water systems.
- B. Minimum Lot Area – There is no minimum lot size.
- C. Dedication – Because of the special objectives of the RC Smart Growth District and the special considerations allowed under this section of the Bedford Zoning Ordinance, lots, once approved by the Planning Board as a part of an RC Project may not be removed from the RC Project without a new approval from the Planning Board.

§ 275-107. Design Requirements & General Provisions

In interpreting the RC Smart Growth District, a specific requirement shall control over a general requirement.

- A. Land Use Mix – The RC Smart Growth District shall be a mix of commercial uses or commercial and residential uses. All RC Projects shall have a mix of uses and may be comprised of one or more lots. The intent is for most residential uses in the district to be on upper floors of mixed-use buildings.
- B. Permitted Uses
 - (1) Permitted Uses - Uses permitted in the underlying Performance Zoning District are allowed, except where specifically prohibited in §275.107(3), plus:
 - (a) Multi-family residential units (a) if located within a structure also containing a commercial floor or (b) located in separate Buildings if located on a lot also with commercial uses or otherwise a part of an integrated RC Project with commercial and residential uses;
 - (b) Parking lots for one building as an accessory use;
 - (c) Shared parking lots;
 - (d) Parking garages containing shared parking; and
 - (e) Helicopter operation as an accessory use
 - (2) Waiver – An application for a waiver within the RC Smart Growth District shall be considered by the Planning Board. Such application for a waiver within the RC Smart Growth District shall be approved upon a finding that the following standards have been met:

- (a) The specific site is an appropriate one for the proposed use;
 - (b) No factual evidence is presented to show that the proposed use will adversely affect the value of adjacent properties;
 - (c) From the perspectives of land use and development impacts, the proposed use is similar to or of lesser impacts than one or more specifically enumerated allowed uses;
 - (d) The proposed use shall not create any undue nuisance or hazard, either to the community or pedestrian and vehicular flow;
 - (e) Applicant demonstrates substantial compliance with the standards set forth in Article VIII, § 275-58, Purpose, Subsections A through E, provided, however, that said Subsection D is modified to obligate the applicant to mitigate traffic impacts, not minimize them; and
 - (f) The applicant demonstrates that the proposed use conforms with the Intent and Purposes sections of this Article XV.
- (3) Prohibited Uses – The following uses are prohibited in the RC Smart Growth District:
- (a) Chemical manufacturing, storage or distribution, as a principal use;
 - (b) Any Commercial Use which is primarily directed to patrons who are encouraged by the site layout, or Buildings, to remain in their automobile while receiving goods or services except automobile service stations;
 - (c) Enameling, plating or painting except artist studios as a primary use;
 - (d) Foundries, carting, express, moving or hauling terminal or yard, except delivery or pick up of goods or merchandise solely to service businesses in the RC Smart Growth District;
 - (e) Prisons, detention centers or “half-way houses” associated with prisons or penitentiaries;
 - (f) The disposal of hazardous waste materials
 - (g) The manufacture of hazardous waste not wholly incidental to a process otherwise contained within a building or portion of a building;
 - (h) The manufacture or disposal of radioactive waste;
 - (i) Agricultural uses, other than home gardens or community gardens and landscaping;
 - (j) Scrap Yards;
 - (k) Manufactured housing units;
 - (l) Outdoor Storage;
 - (m) Any use which produces any of the adverse impacts listed under the definition of “Light Manufacturing”.
 - (n) Any use which regularly emits strong odors, or dust particles, or smoke, or poses danger, such as manufacture of acids, gases, fertilizers and glue, petroleum refining, reduction of animal matter, and manufacture of cement, gypsum, or explosives;
 - (o) Any other use dangerous to persons within or outside the District by reason of emission of odor, fumes, gases, particulate matter, smoke,

noise, vibration, glare, radiation, electrical interference, threat of fire or explosion, or any other reason; and

- (p) Excavation as defined in §275-6, except as a temporary use of not more than one year, the processing of primarily on-site materials for on-site use.

(4) Signs

- (a) The sign standards of the Performance Zoning District (§275-68) shall apply to the RC Smart Growth District. (b) The provision of kiosks, or other directional/informational clusters of signs, with each sign of 1.5 square feet or less and which pertains exclusively to lots within the RC Smart Growth District is encouraged. These kiosks, where provided, shall generally be located on civic lots and in other areas designed for pedestrian gatherings.

- (b) No internally illuminated, flashing, moving or portable signs are permitted within the RC Smart Growth District.

§ 275-108 Lot Requirements

§ 275-108.1 General

A. Property ownership and control within RC Projects may include: fee simple lots; condominiums; and zero-lot lines, as well as portions of buildings in fee simple, buildings apart from the land they are on and leaseholds involving buildings, structures and land. Boundaries will therefore include interior and exterior building walls, ceilings, roofs, and conventional lot lines. “Lots”, however, in a more conventional sense are not intended to be a large part of any RC Project, as it is the configuration of the streets and blocks formed by streets and the placement of the buildings that determine the character of each RC Project.

B. For the above reasons, lots may have almost any configuration, as is described in more detail in the RC Projects Design Review Guidelines. Provided, however, that lot lines shall be regularly configured in logical arrangements related to the RC Project, or portion thereof as they relate to. Lot lines may not be designed to subvert the intents of this Article XV, for example by creating “flag” lots in an attempt to separate commercial from adjacent non-RC Project residential property.

C. No less than 50% of the perimeter of an open space area lot shall abut either a Street or an Active Pedestrian Way.

D. Applications for Plan Approval shall be governed by this section and the RC Projects Design Review Guidelines

Minimum Lot Area	None
Maximum Building Frontage	None

Minimum Front Setback	From Route 3: 50 feet; otherwise: 0 feet
Maximum Front Setback	From Route 3: None; otherwise: 10 feet
Minimum Side/Rear Setback abutting a Residential Zone	1:1 where setback is equal to building height
Minimum Side/Rear Setback In RCSGD or abutting Business	0 feet
Interior Setback (between Buildings on same lot)	0 feet

Bedford RC Project Standards		
Standard	Size of RC Project	
	Up to 6 Acres	More than 6 Acres
Minimum Frontage for a Lot within a RC Project	50'	None
Maximum Lot Coverage for Lots within a RC Project	85%	100%
Minimum Area for Lot within a RC Project	None	None
Number of Buildings per Lot withing a RC Project	No Limit	No Limit
Maximum Building Coverage for a Lot within a RC Project	100%	100%
Maximum RC Project Impervious Cover	75%	75%

Maximum Building Height	80'	100' with Residential Containing 33% Workforce Housing Units
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See the RC Projects Design Review Guidelines for front façade setback guidelines and treatments and building placement guidelines.

- E. Impervious Coverage – Impervious Coverage shall not exceed 75% for the entire RC Smart Growth Development District. Individual lots within the RC Smart Growth Development Project may exceed 75%. Individual RC Projects may satisfy this requirement by permanent dedication to pervious cover of sufficient other land in the District to meet the 75% criterion.
- F. Subdivision – Existing lots located in the RC Smart Growth District may be subdivided and adjusted to form all or a part of an RC Project.

§ 275-109. Building Requirements

- A. Building Height – All building heights shall be subject to applicable Federal Aviation Administration (FAA) requirements. A maximum building height of 100 feet is allowed for projects in excess of 6 acres as an incentive bonus for developments which include a workforce housing component provided that the Fire Department agrees that they have the apparatus necessary to adequately respond to emergencies in a building of the height proposed or the applicant agrees to supply the necessary apparatus at their cost.
- B. Location of Main Entrances – The primary building entrances for commercial establishments shall generally open to the front sidewalk.
- C. Civic/Community Buildings – Buildings located in civic use areas shall be located adjacent to village greens, parks, squares or at a vista termination.
- D. Waterfront Development
 - (1) No buildings may be placed within 125 feet of the mean high water line of the Merrimack River, unless: (1) an active pedestrian way is provided across the lot on which the private building is sited between the building and the river; and (2) at least 35% of the length of said active pedestrian way provides direct access to the river.
 - (2) No private lot may extend to within 100 feet of the mean high water line of the Merrimack River unless: (1) an active pedestrian way is provided across the lot,

between the lot and the river; and (2) at least 35% of the length of said active pedestrian way provides direct access to the river.

(3) For the purposes of this Section, “direct access to the river” is provided if no buildings or non-water dependent structures lie between the active pedestrian way and the river.

E. Building Codes – All Buildings and Structures within the RC Smart Growth District shall comply with all applicable Town, State and Federal Buildings and Safety codes as may be adopted by the Town or as may otherwise be in effect in the Town.

§ 275-110. Street Types and Uses

A. Streets shall be designed to ensure the safety of motorists and pedestrians and shall generally:

(1) Improve the view of and the view from buildings and other prominent vistas;

(2) Minimize the area devoted to motor vehicle traffic;

(3) Promote active pedestrian way design so that it is generally more convenient and pleasant for most of the community to walk short distances than to drive;

(4) Promote the creation of vista terminations;

(5) Provide for connection of streets within a lot to abutting lots so that each of the lots within the RC Smart Growth District will provide continuous pedestrian and vehicular flow of traffic on foot and by vehicle, bicycle and other means without reliance on Route 3; and

(6) Create safe vehicular and pedestrian passage within the RC Smart Growth District.

B. Identification – The applicant shall depict on the plan which street sections are proposed for all thoroughfares. as a part of the Preliminary Hearing Phase of the plan review.

C. Property Lines Coincident With Right-of-Way – All property lines of each lot shall be coincident with the public right-of-way for that street which serves as primary access to the lot.

D. Sidewalk Sizes and Requirements – Sidewalks at least 10 feet in width shall be provided adjacent to all commercial uses, and sidewalks no less than 5 feet in width shall generally be provided along one or both sides of all streets within RC Smart Growth District. Sidewalks shall generally be parallel with the streets they adjoin and may be either within the street right-of-way or within an individual lot. The sidewalk’s use and maintenance shall be ensured by permanent easement. In the

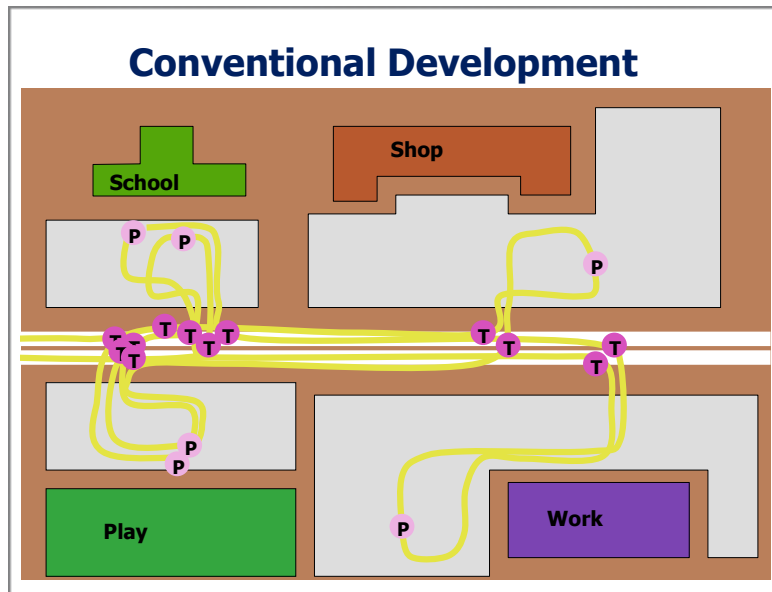
event of mixed commercial/residential uses within 150 feet of each other, the commercial sidewalk standard width of 10 feet shall control.

- E. Lighting – Streetlights shall be provided along all active pedestrian ways at not less than 100 foot intervals.
- F. Crossings – Street and active pedestrian way design shall be done to minimize pedestrian crossings at through streets.
- G. Access – Lot layout and active pedestrian ways shall be designed to ensure pedestrian access to all lots.
- H. Street Sections – Street Sections proposed for use within the RC Smart Growth District shall be a part of the **RC Projects Design Review Guidelines**. Street Sections are intended to provide the Planning Board with sufficient detailed information in both plan and cross section view to enable the Planning Board to determine how parked and moving vehicles will interact with each other and with pedestrians, bicyclists and other users of the street so that the safety of the Street Section may be evaluated. The file of Street Sections may be added to from time to time either by the Planning Board or by parties submitting new Street Sections for review and approval by the Planning Board. The primary review criteria of the Street Sections shall be based upon the Intent and Purposes of the RC Smart Growth District.
- I. Layout –The maximum perimeter of any block formed by streets is 1,800 feet. The minimum perimeter of any block formed by streets is 600 feet. Perimeters of blocks formed by streets are encouraged to be in the range of 800 to 1,500 feet. Street layouts shall be generally rectilinear with “deformations” as may be physically proper to adapt streets to topographic or other natural conditions and to generally ensure vista terminations at street intersections.
- J. Construction Requirements – Streets constructed within all RC Projects shall be constructed in accordance with the structural aspects of the Bedford Road Standards in effect at the time of construction. This provision specifically shall not, however, apply to any horizontal dimension of any part of a street in an RC Project,.

§ 275-111. Parking Requirements

- A. All parking requirements and guidelines are contained in the RC Projects Design Review Guidelines. In general, parking both on-street and off-street is to be treated as a shared resource in the RC Smart Growth District. A goal is to achieve mixed-use “park-once” areas where multiple destinations are served by parking once. The reverse, or conventional development provides parking for each use at each use, thereby generating more traffic, more paved areas and an

aesthetically less pleasing walking environment- both are schematically diagrammed below.



Snow Emergency – The master developer shall provide a snow emergency plan for the Planning Board’s review and consideration prior to final approval of an RC Project. The snow emergency plan shall show: where vehicles will be stored during snow emergency periods; how and by what methods snow will be removed from the streets and sidewalks; and generally how the development project will function during and after a snowstorm. The snow emergency plan shall not require the Town to remove snow from private streets, sidewalks or other private property, unless prior responsibility therefor has been assumed by the Town.

§ 275-112. Utility Requirements

- A. Utilities and Location – All utilities shall be located underground where permitted by applicable codes and shall also generally be located within street rights-of-way or

within alleys. All utility outlets, service entrances, transformers and the like shall generally be clustered in a neat and orderly fashion and shall be screened from view where permitted by building and electrical codes.

- B. Local, State and Federal Standards – Water and sewerage facilities shall be designed and installed in accordance with applicable Town, State and Federal standards.

§ 275-113. RC Smart Growth District Compliance

- A. Local Standards – All RC Projects shall comply with all applicable provisions of this ordinance, the Land Development Control Regulations, the RC Projects Design Review Guidelines and other pertinent ordinances, regulations and policies of the Town; provided, however, that in the event of any conflict between such ordinances, regulations or policies, the provisions of the RC Smart Growth District and RC Projects Design Review Guidelines shall control.

§ 275-114. RC Smart Growth District Management

- A. Property Owners Association(s)

- (1) Membership in a Property Owners Association (POA) or Associations established by a master developer shall be required for all property owners within the RC Smart Growth Development and shall be made a required covenant in all deeds issued or passed.
- (2) The master developer shall prepare POA documents for the POA(s). POA documents shall provide at a minimum that the POA shall accept title to any open space areas which may be deeded by the master developer to the POA, and shall provide for the maintenance of any common area improvements, private streets, private sidewalks, rights-of-way, utilities and open space areas owned by the POA. The POA documents shall provide voting and use rights, shall provide the POA with the authority to acquire a lien upon the property of any of its members in order to secure collection of any amounts due to the POA from its members, and may also provide for the charge of dues, levies or assessments to cover expenses which include, but are not limited to, tax liabilities, maintenance and municipal or State assessments.
- (3) Any open space area may be deemed desirable to the town or other governmental agency during the approvals process. Any such area will be so designated on the plan of the RC Project and will be offered to the town or governmental agency for up to five years from the approval of the RC Project. Any such area not transferred to a governmental entity shall then be transferred to the POA initially designed by the master developer to receive ownership of such open space area in the association documents.

§ 275-115. Procedures and Submission Requirements

- A. All general and specific provisions of the review procedures and submission requirements of the River Corridor Smart Growth District Design Standards and Guidelines shall apply to this district unless otherwise noted within this section or modified by approval of the Planning Board.

- B. The Planning Board may adopt review procedures and submission requirements for the RC Smart Growth District which differ from those for other subdivision and site plan criteria. No application for the RC Smart Growth District submitted to the Planning Board will be considered “complete”, as defined by statute (RSA 676:4), until the Planning Board either adopts such RC Smart Growth District specific criteria or until a period of 120 days has elapsed from the effective date of the ordinance, whichever first occurs.

- C. Due to the unique nature of this District and its Intent and Purposes, the Planning Board may consider an application for an RC Project that alone does not comport with the requirements herein but which may otherwise qualify if other properties are effectively connected through reciprocal cross easements or otherwise legally connected to create areas that together satisfy the requirements, Intent and Purposes herein.

§ 275-116. Performance Zoning District Provisions Applicable to RC Smart Growth District

To the extent not otherwise provided in this River Corridor Smart Growth District Zoning, the provisions of the Performance Zoning District set forth in Article VIII of the Town of Bedford Zoning Ordinances shall apply.

§ 275-117. Effective Date

This River Corridor Smart Growth District Zoning shall not be effective until the RC Projects Design Review Guidelines have been adopted by the Planning Board.

Amendment No. 4 Relative to the creation of a Projecting Signage type

I. Amend Article 275-6 DEFINITIONS to add a new definition as follows:

PROJECTING SIGN – A sign attached to and projecting from the wall of a building with the face of the sign at an interior angle of more than 45 degrees to the building wall to which it is attached. Projecting signs may have a maximum area of 8 square feet. The sign area of a projecting sign shall not include the area of supporting brackets with no text, images or graphics. Projecting signs must maintain a minimum clearance of 8 feet from the ground to the bottom of the sign and have a maximum height of 15 feet from the ground to the top of the sign. Signs may not project more than 5 feet from a wall surface. Projecting signs may not be internally illuminated. A projecting sign should align with some horizontal element of the building façade.

II. Amend Article 275-74 DISTRICT REGULATIONS FOR SIGNAGE subsection C(2) COMMERCIAL DISTRICT by adding the words in bold as follows:

One freestanding sign not to exceed 32 square feet, **one projecting sign**, and a sign painted on or attached to one wall of a building not to exceed 10% of the square footage of the wall on which it is displayed shall be allowed, not to exceed 32 square feet.

III. Amend Article 275-74 DISTRICT REGULATIONS FOR SIGNAGE subsection D OFFICE DISTRICT to delete paragraph (4) in its entirety and replace it as follows:

Allowable businesses, professions or service enterprises with a separate public exterior entrance shall each be permitted one projecting sign which will not count towards the total signage square footage permitted under paragraph (2).

IV. Amend Article 275-74 DISTRICT REGULATIONS FOR SIGNAGE subsection E SERVICE INDUSTRIAL DISTRICT to add new paragraph (4) as follows:

Each tenant space is permitted one projecting sign.

V. Amend Article 275-74 DISTRICT REGULATIONS FOR SIGNAGE subsection F NEIGHBORHOOD COMMERCIAL DISTRICT paragraph (1) by adding the words in bold as follows:

The following business signs are allowed: one projecting **sign**, **one** ground or pole sign not to exceed 32 square feet in surface area, and one flat sign to a business unit not to exceed 32 square feet in surface area.

VI. Amend Article 275-74 DISTRICT REGULATIONS FOR SIGNAGE subsection G HIGHWAY COMMERCIAL DISTRICT paragraph (1) by deleting the words shown in strikethrough, adding the words shown in bold, and inserting new subparagraph (c) as follows:

(a) One ~~projecting~~ ground or pole sign not to exceed 32 square feet in surface area; ~~and~~

(b) One flat sign to a business unit not to exceed 32 square feet in surface area; **and**

(c) **One projecting sign.**

VII. Amend Article 275-68 U.S. ROUTE 3 CORRIDOR PERFORMANCE ZONING DISTRICT SIGN STANDARDS and Attachment 6 - Table 6, TABLE OF PERFORMANCE ZONE SIGN STANDARDS, under *Maximum Number and Maximum Sign Area* by adding the words in bold as follows:

In a building where the entire first floor is occupied by a single tenant, that tenant shall be permitted to have a building sign for each road frontage or parking lot frontage on which the building is situated, not to exceed 32 square feet per sign. A maximum of two **building signs and one projecting sign are permitted.**

In buildings where the first floor is occupied by two tenants, each tenant will be permitted to have one building sign, not to exceed 32 square feet per sign, **and one projecting sign.**

In a building with more than two tenants, each first floor tenant with a separate public exterior entrance shall be permitted to have one building sign, not to exceed 16 square feet, **and one projecting sign.**

Amendment No. 6 Relative to the removal of the properties zoned Commercial from the Historic District Overlay.

- I. Amend Article 275-8 Location of Districts and the Zoning Map to remove the Historic District Overlay from those properties that have a base zone classification of Commercial.

