

New Ipswich Zoning Regs Proposed Mobile Food Vendor Updates (approved for Warrant)

Motion to amend Article V Section C, Article VI Section C, Article XIII Section G and Article XVIII Definitions of the New Ipswich Zoning Ordinance by deleting text in strikethrough (~~strikethrough~~) and **adding the text underlined in bold.**

ARTICLE V: VILLAGE DISTRICT II:

A. The purpose of this district is to retain the character of the long established villages in New Ipswich; to relieve the pressure of growth on the rural district by allowing a greater density in the village district; to concentrate residential and service businesses in these centers in such a manner as to not cause water quality and water supply problems that would necessitate the town providing means of public sewage disposal and a public water supply.

B. **PERMITTED USES:** In this district land may be used, created, altered for:

1. Any use permitted in Village District I in Article IV, Section B.

C. **SPECIAL EXCEPTIONS:** The following uses may be allowed by special exception of the Board of Adjustment provided they meet the requirements of Article XIV, Section E in addition to all other requirements of this ordinance.

1. Any use permitted as a special exception of the Board of Adjustment in Village District I in Article IV, Section C.

2. Gas stations

3. Auto service stations

4. Eating and drinking establishments

5. Instructional facilities

6. Funeral homes

7. Buildings in which public business is transacted

8. Mobile Food Vendor Property

D. The following uses may be allowed by special exception of the Board of Adjustment if in addition to the requirements set forth in Article V, Section C and Article XIV, Section E, the total area of the foundation of the building does not exceed 1,500 square feet.

1. Office buildings

2. Banks

3. Small retail

4. Medical facilities

ARTICLE VI: RURAL DISTRICT

A. The remaining area of the town outside the Village District is intended to accommodate development at a lesser density; to allow diverse residential and other uses to co-exist in a manner that will preserve the rural agriculture heritage of the town along with its rich inventory of natural resources while allowing the economic development of the town to take place.

B. **PERMITTED USES:** In this district, land may be used, created, altered for:

1. Any use permitted in the Village District I under Article IV, Section B.
2. Any use permitted in the Village District II under Article V, Section B.
3. Mobile homes subject to provisions in Article XIII, Section C.
4. Residential cluster development on 10 acres or more subject to cluster provisions in Article XIII, Section E and to the Subdivision Regulations of the town of New Ipswich
5. Agricultural uses
6. Recreational uses
7. Roadside stands
8. Greenhouses
9. Stables and riding schools
10. Summer camps for children
11. Large wind energy systems, subject to the provisions of Article XIII-2 and to the provisions of the Site Plan Review regulations of the Town of New Ipswich

C. SPECIAL EXCEPTIONS: The following uses may be allowed by special exceptions of the Board of Adjustment provided they meet the requirements of Article XIV, Section E.

1. Those uses allowed under Article IV, Section C in Village District I.
2. Those uses allowed under Article V, Sections C and D in Village District II.
3. Commercial
4. Business
5. Industrial
6. Excavations
7. Group home
8. Camping area
9. Saw mills
10. Slaughter houses
11. Junk yard
12. Heavy equipment business
13. Light industry
14. Veterinary clinics
15. Kennels
16. Residential cluster on a tract of less than 10 acres subject to the cluster provisions in Article XIII, Section E and to the Subdivision Regulations of the Town of New Ipswich

17. Mobile Food Vendor Court

ARTICLE XIII: GENERAL PROVISIONS

G. PARKING:

1. Space Determinations:

Off-street parking shall be provided for motor vehicles as follows in connection with all new buildings hereafter erected in town:

- a. Motels, hotels, inns and other lodging establishments: 1 space per sleeping room.

- b. Dwellings: 2 spaces per dwelling unit.
- c. Retail stores: 1 space per each 200 square feet of floor space used for display or sale of merchandise.
- d. Offices: 1 space per 300 square feet of gross floor area or 1.1 spaces for each employee on the largest shift.
- e. Nursing homes and hospitals: 1 space for every 4 beds at design capacity plus 1 space for each employee on the largest shift.
- f. Restaurants and theaters: 1 space for each 3 seats.
- g. Light industrial uses: 1.1 space for each employee on the largest shift.
- h. **Mobile Vending Property or Court: spaces should match business plan for anticipated peak traffic (minimum of 2 per mobile food vending unit)**

2. Converting Existing Uses:

Any alterations to convert existing residential property to commercial use shall meet the requirements of Section 1.

All buildings hereafter remodeled into multi-family dwellings shall meet the requirements of Section 1.

3. Dimension Requirements:

Each parking space shall contain not less than 162 square feet (9 x 18) exclusive of driveway and turning areas. A garage or carport qualifies as a parking space, but a driveway qualifies as a parking space only to the extent that the portion of the driveway used for parking does not block the garage or another vehicle parked in the driveway. Adequate snow storage area must be provided.

4. Surfacing:

All parking areas containing more than 4 spaces and driveways thereto shall be surfaced for year round use and must be graded so as to carry off all surface water.

5. Landscaping:

For parking areas containing more than 20 spaces, a landscaping plan shall be submitted to the Planning Board for approval.

6. Placement:

~~In the Limited Commercial District, p~~ Parking will be provided to the **side and/or** rear of municipal, retail, office, industrial, **mobile food vendors,** and other commercial buildings whenever feasible.

ARTICLE XVIII: DEFINITIONS:

ACCESSORY BUILDING: Any subordinate building or portions of the main building, the use of which is customarily incidental to that of the main building on the same lot or premises and which is used primarily by the occupants of the main building.

150
151
152
153
154
155
156
157
158
159
160
161
162
163
164
165
166
167
168
169
170
171
172
173
174
175
176
177
178
179
180
181
182
183
184
185
186
187
188
189
190
191
192
193
194
195
196
197
198
199

ACCESSORY USE: Any use customarily incidental, related and clearly subordinate to a principal or main use established on the same lot or premises.

BACK LOT: A lot meeting the minimum lot area requirements of the zoning district in which it is located, but which does not have the required amount of road frontage on an approved public street, and is situated adjacent to a lot having sufficient frontage on an approved street.

BASAL AREA: The cross-sectional area of a tree measured four-and-a half feet from the ground.

BED AND BREAKFAST: An owner-occupied home in which the owner rents guest rooms and serves breakfast to those guests as part of the room rent.

BOAT HOUSE: A building for storing boats and accessory equipment.

BUFFER OR NATURAL WOODLAND BUFFER: A forested area consisting of various species of trees, saplings, shrubs, and ground covers in any combination and at any stage of growth.

CLUSTER DEVELOPMENT: A residential subdivision of a tract of land where housing units are grouped on lots of reduced dimensions. The remaining land in the tract which is not built upon is reserved as permanently protected open space.

COMMON AREA: Any area, other than open space, set aside for common ownership as a result of a cluster development, including areas for common facilities such as roads, rights of way, common or individual utilities including wells, common buildings, and recreational facilities.

DRAINAGE SWALE: A shallow vegetated trough where water flows during runoff and which is insufficient to create a defined channel or to maintain wetlands vegetation.

DWELLING: A building, or part of a building, which contains living and sleeping accommodations for permanent occupancy.

DWELLING UNIT: One room or rooms connected together constituting a separate, independent housekeeping establishment for owner occupancy, rental or lease, and physically separated from any other rooms or dwelling units which may be in the same structure and containing independent cooking, bathroom, and sleeping facilities.

DWELLING, ONE FAMILY: A detached building designated for, or occupied solely as a dwelling by one family.

DWELLING, TWO FAMILY: A detached building designated for, or occupied solely as a dwelling by two families living independently of each other.

DWELLING, MULTI-FAMILY/APARTMENT: A dwelling on one lot containing separate dwelling units for three or more families, having separate or joint entrances, services or facilities.

EXCAVATION: The commercial excavation and/or removal of sand, gravel, rock soil or construction aggregate.

FAMILY: Any number of persons related by blood or by marriage, or not more than six persons not related

by blood or by marriage, living together as a single housekeeping unit.

FRONTAGE: The width of a lot measured along its common boundary with a Class V or better street, or with a street in a subdivision approved by the Planning Board. In case a lot fronts on more than one street, the common boundary on only one of the streets may be used to measure the width of the lot.

GROUND COVER: Any herbaceous plant which normally grows to a mature height of 4 feet or less.

HOME OCCUPATION: Any use conducted by a member of the family entirely within a dwelling or an accessory building which is clearly incidental and secondary to the use of the dwelling or residence.

HOMEOWNERS ASSOCIATION: A private non-profit organization (corporation, association, or other legal entity) to manage, maintain, support, and finance the common area, common facilities, and open space land of the cluster development, and enforce certain covenants and restrictions.

INDUSTRIAL: A use involving the manufacture of a product and generally requiring many employees, extensive parking facilities, good routes of transportation and requiring other services not needed by commercial or light manufacturing uses.

INN: A building which has accommodations for transient guests and which serves meals to its guests and the public.

INTERMITTENT STREAM: A stream that flows for sufficient time to develop and maintain a defined channel, but which might not flow during dry portions of the year.

LIGHT MANUFACTURING: A use involving the manufacture of a product not requiring heavy, noisy, or otherwise objectionable machinery or transportation equipment.

LOT: A plot or parcel of land occupied, or capable of being occupied, in conformity with these regulations by one principal building and the accessory buildings or uses customarily incidental to it, including such open spaces as are required by these regulations. In the case of multiple dwellings, row dwellings, institutional, industrial or commercial buildings, a group of buildings under one ownership may be considered as occupying the same lot.

LOT OF RECORD: A lot which is part of a subdivision approved by the New Ipswich Planning Board and recorded in the Hillsborough County Register of Deeds, or a lot or parcel described by metes and bounds, the description of which was so recorded prior to enactment of the present zoning ordinance.

MARSH: A wetland (a) that is distinguished by the absence of trees and shrubs; (b) that is dominated by soft-stemmed herbaceous plants such as grasses, reeds, and sedges; and (c) where the water table is at or above the surface throughout the year, but can fluctuate seasonally.

MOBILE FOOD VENDOR (MFV) – A commercial business operating from a self-contained mobile structure engaged in food preparation and/or distribution of food and drink which may apply to carts, trailers, canteen, food truck, mobile kitchen, etc.

MOBILE FOOD VENDOR PROPERTY - A land use involving one Mobile Food Vendor (MFV) which will be statically positioned for routine or scheduled operation. The use may be a primary land use, or accessory use to an existing commercial business/building (with site plan amendment).

249
250
251
252
253
254
255
256
257
258
259
260
261
262
263
264
265

MOBILE FOOD VENDOR COURT – A primary land use involving 2 or more Mobile Food Vendors (MFVs) which will be statically positioned for routine or scheduled operation.

MOBILE HOME/MANUFACTURED HOUSING: A mobile home is any structure transportable in one or more sections, which, in the traveling mode is eight body feet or more in width and forty body feet or more in length, or when erected on site, is three hundred twenty square feet or more, and which is build on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to required utilities, which include plumbing, heating and electrical heating systems contained herein. Manufactured housing as herein defined shall not include presite built housing as required in RSA 674:31-A.

NON-CONFORMING USE: A use which lawfully occupied a building or land at the effective date of this ordinance or amendments thereto and that does not conform to the use regulations of the district in which it is located.