

*Office of the City Manager*

TO: Mayor Matt Gerding and City Council Members  
FROM: Robert M. Belmore, City Manager  
DATE: Friday, March 29, 2024  
SUBJECT: City Manager's Report for Monday, April 1, 2024 City Council Meeting

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6:00pm

*FY24/25 Proposed Budget Presentation - City Manager/Interim School Superintendent*

7:00pm

*Public Hearing - FY24/25 Proposed Budget*

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*Lay on the Table (under Section 14 of Agenda)*

Ordinance

A. Ordinance 9-24: Fiscal Year 2024-2025 Budget.

*Unfinished Business (under Section 15 of Agenda)*

Ordinances

- A. Ordinance 10-24: To Amend Chapter 32, Water Ordinance, by Amending Section 16.1.a Titled "Rates, Fees, and Charges" to Increase the Water Utility Rates Effective July 1, 2024 and July 1, 2025.
- B. Ordinance 11-24: To Amend Chapter 8A, Sewer Ordinance, by Amending Charges Article XV Section 7.B Titled "Sewer Use Volume Charges" to Increase the Sewer Volume Charges Effective July 1, 2024 and July 1, 2025.

**Ordinance No. 10-24 and 11-24:** Again, the Finance Committee voted to recommend the 10% increase for both Water and Sewer utility rates over the next two (2) fiscal years.

- C. Ordinance 12-24: **Supplemental Appropriation for the Additional Funding Needed for the Water Meter Replacement Program.** Again, the Finance Committee voted to recommend this Supplemental Appropriation.

## Resolutions

- A. **Resolution 41-24: To Authorize the City Manager to use Funding from the American Rescue Plan Act and the Cable Fund to Contract with Brightly Software, Inc., of Cary, North Carolina for SmartGov Software.** Again, the Finance Committee voted to support this Resolution. Please note that land use applications and building permit applications will still be available to be submitted as done now with forms on-line and in-person at the Development Services Office.

## *New Business (under Section 16 of Agenda)*

## Ordinances

- A. **Ordinance 13-24: To Amend Chapter 19, Zoning Ordinance, Table of Uses, Table 4.A.5, and Adding Notes 11 Through 11.4, Regarding Motor Vehicle Service-Related Uses Within the Residential/Commercial District.** The Economic Development Committee met on March 4<sup>th</sup> and voted to support this Ordinance change. Attached is a Memorandum from Director Michelle Mears regarding these proposed amendments along with a *red-lined* version of these Zoning sections. I recommend a Public Hearing prior to the next Council meeting on April 15<sup>th</sup>.

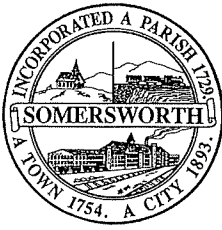
## Informational Items

- A. **Upcoming City Council Workshops & Special Meeting.**

- *Saturday, April 6 at 8:30 a.m. – Community Support Organizations & City Departments Budget Review*
- *Monday, April 22 at 7:00 p.m. – Special City Council Budget Meeting (if needed)*

## Attachments

1. **City Attorney Certification One (1)**



## City of Somersworth – Ordinance

Ordinance No: **9-24**

### **FISCAL YEAR 2024-2025 BUDGET**

March 18, 2024

THE CITY OF SOMERSWORTH ORDAINS THAT BUDGETS FOR THE CITY OF SOMERSWORTH FOR THE 2024-2025 FISCAL YEAR SHALL BE:

#### **DEPARTMENT**

##### **GENERAL FUND**

##### **BUDGET**

Elected Leadership	\$230,220
City Management	614,050
Finance and Administration	1,919,546
Development Services	1,082,786
Police	5,180,374
Fire	2,838,771
Public Works	3,572,794
Other Expenses	1,391,000
Capital Outlay	45,000
Intergovt Assessments - County	3,169,922
School Department	31,319,747

##### **TOTAL GENERAL FUND**

**51,364,210**

##### **ENTERPRISE FUNDS**

Wastewater Department	3,619,635
Water Department	2,873,558
Solid Waste	676,169

##### **TOTAL ENTERPRISE FUNDS**

**7,169,362**

##### **SPECIAL REVENUE FUND**

Cable Fund	69,513
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##### **TOTAL FY 2024-2025 APPROPRIATION**

**\$58,603,085**

This Ordinance shall take effect upon its passage.

#### **Authorization**

*Sponsored by Request:*

Councilor David A. Witham

*Approved:*

City Attorney

## City of Somersworth – Ordinance 9-24

### History

First Read Date:	3/18/2024	Tabled:	3/18/2024
Public Hearing:	3/18/2024	Removed From Table:	
Second Read:			

### Discussion

3/18/2024

*Councilor Witham made a motion to suspend Council Rules to allow for a first reading of Ordinance 9-24 by title only. The motion was seconded by Councilor Gibson and passed 9-0 by voice vote.*

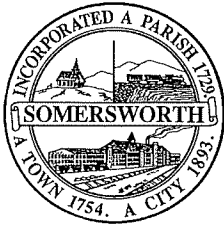
*Clerk LaPanne performed a first reading of Ordinance 9-24 by title only.*

*Councilor Witham made a motion to suspend Council Rules to allow for a second reading of Ordinance 9-24. The motion was seconded by Councilor Paradis-Catanzaro and passed 9-0 by voice vote.*

*Clerk LaPanne performed a second reading of Ordinance 9-24.*

*Councilor Witham made a motion to table Ordinance 9-24. The motion was seconded by Councilor Vincent and passed 9-0 by roll call vote.*

Voting Record		YES	NO
Ward 1 Councilor	Pepin		
Ward 2 Councilor	Vincent		
Ward 3 Councilor	Gibson		
Ward 4 Councilor	Paradis-Catanzaro		
Ward 5 Councilor	Michaud		
At Large Councilor	Witham		
At Large Councilor	Goodwin		
At Large Councilor	Cameron		
At Large Councilor	Messier		
<b>TOTAL VOTES:</b>			
On Ordinance 9-24		PASSED	FAILED



## City of Somersworth – Ordinance

Ordinance No: **10-24**

**TO AMEND CHAPTER 32, WATER ORDINANCE, BY AMENDING SECTION 16.1.a TITLED “RATES, FEES, AND CHARGES” TO INCREASE THE WATER UTILITY RATES EFFECTIVE JULY 1, 2024, AND JULY 1, 2025**

March 18, 2024

THE CITY OF SOMERSWORTH ORDAINS THAT the Ordinances of the City of Somersworth, as amended, be further amended as follows:

Amend Chapter 32, Section 16.1.a titled “Rates, Fees, and Charges”, by deleting the second paragraph in its entirety and replace it with the following:

All water users will be charged at a rate of \$5.94 per 100 cubic feet of water used beginning July 1, 2024; \$6.53 per 100 cubic feet of water used beginning July 1, 2025;

**Background:**

By passage of this Ordinance the City Council is increasing the Water Use Volume Charge 10% effective July 1, 2024, and 10% effective July 1, 2025.

This Ordinance shall take effect upon its passage.

### Authorization

*Sponsored by Councilors:*

David A. Witham  
Denis Messier  
Martin Pepin  
Kenneth S. Vincent

*Approved:*

City Attorney

## City of Somersworth – Ordinance 10-24

### History

First Read Date:	3/18/2024	Tabled:	
Public Hearing:		Removed From Table:	
Second Read:			

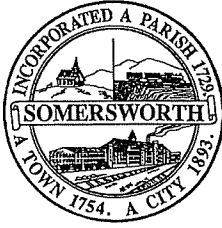
### Discussion

3/18/2024

*Clerk LaPanne performed a first reading of Ordinance 10-24.*

*Ordinance 10-24 will remain in first reading until the call of the Chair.*

Voting Record		YES	NO
Ward 1 Councilor	Pepin		
Ward 2 Councilor	Vincent		
Ward 3 Councilor	Gibson		
Ward 4 Councilor	Paradis-Catanzaro		
Ward 5 Councilor	Michaud		
At Large Councilor	Witham		
At Large Councilor	Goodwin		
At Large Councilor	Cameron		
At Large Councilor	Messier		
<b>TOTAL VOTES:</b>			
On Ordinance 10-24		PASSED	FAILED



## City of Somersworth – Ordinance

Ordinance No: 11-24

**TO AMEND CHAPTER 8A, SEWER ORDINANCE, BY AMENDING CHARGES ARTCILE XV SECTION 7.B TITLED “SEWER USE VOLUME CHARGES” TO INCREASE THE SEWER VOLUME CHARGES EFFECTIVE JULY 1, 2024, AND JULY 1, 2025**

March 18, 2024

THE CITY OF SOMERSWORTH ORDAINS THAT the Ordinances of the City of Somersworth, as amended, be further amended as follows:

Amend Chapter 8A, Article XV, Section 7.B Titled “Sewer Use Volume Charges”, by deleting it in its entirety and replace it with the following:

All sewer users will be charged at a rate of \$8.83 per 100 cubic feet of water used beginning July 1, 2024; \$9.75 per 100 cubic feet of water used beginning July 1, 2025;

**Background:**

By passage of this Ordinance the City Council is increasing the Sewer Use Volume Charge 10% effective July 1, 2024, and 10% effective July 1, 2025.

This Ordinance shall take effect upon its passage.

Authorization	
<i>Sponsored by Councilors:</i> David A. Witham Denis Messier Martin Pepin Kenneth S. Vincent	<i>Approved:</i> City Attorney

## City of Somersworth – Ordinance 11-24

### History

First Read Date:	3/18/2024	Tabled:	
Public Hearing:		Removed From Table:	
Second Read:			

### Discussion

3/18/2024

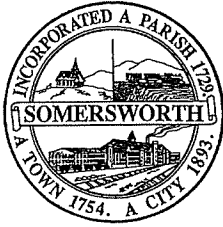
*Clerk LaPanne performed a first reading of Ordinance 11-24.*

*Ordinance 11-24 will remain in first reading until the call of the Chair.*

Councilor Vincent inquired about the meaning of 100 cubic feet regarding the measurements of water used. Director Bobinsky confirmed that 100 cubic feet equals 748 gallons of water used.

Voting Record		YES	NO
Ward 1 Councilor	Pepin		
Ward 2 Councilor	Vincent		
Ward 3 Councilor	Gibson		
Ward 4 Councilor	Paradis-Catanzaro		
Ward 5 Councilor	Michaud		
At Large Councilor	Witham		
At Large Councilor	Goodwin		
At Large Councilor	Cameron		
At Large Councilor	Messier		
<b>TOTAL VOTES:</b>			
On	Ordinance 11-24	PASSED	FAILED





## City of Somersworth – Ordinance

Ordinance No: 12-24

### **SUPPLEMENTAL APPROPRIATION FOR ADDITIONAL FUNDING NEEDED FOR THE WATER METER REPLACEMENT PROGRAM**

March 18, 2024

THE CITY OF SOMERSWORTH ORDAINS THAT pursuant to Section 7.7(A) of the City Charter:

The annual budget for the City of Somersworth for Fiscal Year 2023-2024 is amended as follows:

Appropriate \$75,000 (Seventy-Five Thousand dollars) from the Water Fund budget; and

Appropriate \$50,000 (Fifty Thousand dollars) from the Sewer Fund budget as follows:

Water Fund Original Budget \$ 3,236,505	Amendment \$ 75,000	Revised Water Fund Budget \$ 3,311,505
Sewer Fund Original Budget \$ 4,183,996	Amendment \$ 50,000	Revised Sewer Fund Budget \$ 4,233,996

Approved as to Funding:

Scott A. Smith  
Director of Finance and Administration

Recorded by:

Kristen LaPanne  
City Clerk

Background:

This Ordinance appropriates additional funding to complete the Residential meter replacement program.

This Ordinance shall take effect upon its passage.

***This Ordinance requires a public hearing and requires a 2/3 majority vote of the City Council after the public hearing subject to Section 7.4.1 and Section 7.7 (A) of the City Charter.***

Authorization	
<i>Sponsored by Councilors:</i> David A. Witham Denis Messier Martin Pepin Kenneth S. Vincent	<i>Approved:</i> City Attorney

## City of Somersworth – Ordinance 12-24

### History

First Read Date:	3/18/2024	Tabled:	
Public Hearing:		Removed From Table:	
Second Read:			

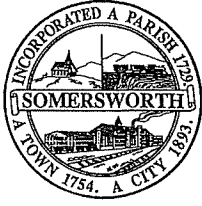
### Discussion

3/18/2024

*Clerk LaPanne performed a first reading of Ordinance 12-24.*

*Ordinance 12-24 will remain in first reading until the call of the Chair.*

Voting Record		YES	NO
Ward 1 Councilor	Pepin		
Ward 2 Councilor	Vincent		
Ward 3 Councilor	Gibson		
Ward 4 Councilor	Paradis-Catanzaro		
Ward 5 Councilor	Michaud		
At Large Councilor	Witham		
At Large Councilor	Goodwin		
At Large Councilor	Cameron		
At Large Councilor	Messier		
<b>TOTAL VOTES:</b>			
On	Ordinance 12-24	PASSED	FAILED



## City of Somersworth – Resolution

Resolution No: **41-24**

**TO AUTHORIZE THE CITY MANAGER TO USE FUNDING FROM THE AMERICAN RESCUE PLAN ACT AND THE CABLE FUND TO CONTRACT WITH BRIGHTLY SOFTWARE, INC. OF CARY, NORTH CAROLINA FOR SMARTGOV SOFTWARE**

March 18, 2024

WHEREAS, the Somersworth Capital Improvement Program for Fiscal Years 2025-2030 includes a project to provide on-line permitting software for use by the Department of Development Services; and

WHEREAS, City Staff researched qualified companies and requested and received demonstrations from a number of these software companies that provide similar products; and

WHEREAS, after reviewing products available, City Staff determined that SmartGov by Brightly Software of Cary, North Carolina provides a platform that best meets the needs of the City with an initial cost of \$48,386 (Forty Eight Thousand Three Hundred Eighty Six dollars); and

WHEREAS, the Finance Committee reviewed this recommendation with City Staff and recommends the City contract with Brightly Software for SmartGov Software for an amount not to exceed \$48,386 (Forty-Eight Thousand Three Hundred Eighty-Six dollars); and

WHEREAS, the Finance Committee also recommends the City fund this contract using available funding from the American Rescue Plan Act and the Cable Fund;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SOMERSWORTH THAT the City Manager is authorized to use funding from the American Rescue Plan Act and the Cable Fund to contract with Brightly Software for SmartGov Software for an amount not to exceed \$48,386 (Forty-Eight Thousand Three Hundred Eighty-Six dollars) and take any and all other actions relative to this purchase determined to be in the best interest of the City.

### Authorization

*Sponsored by Councilors:*

David A. Witham  
Denis Messier  
Martin Pepin  
Kenneth S. Vincent

*Approved:*

City Attorney

## City of Somersworth – Resolution 41-24

### History

First Read Date:	3/18/2024	Tabled:	
Public Hearing:		Removed From Table:	
Second Read:			

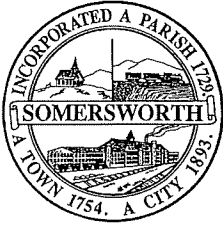
### Discussion

3/18/2024

*Clerk LaPanne performed a first reading of Resolution 41-24.*

*Resolution 41-24 will remain in first reading until the call of the Chair.*

Voting Record		YES	NO
Ward 1 Councilor	Pepin		
Ward 2 Councilor	Vincent		
Ward 3 Councilor	Gibson		
Ward 4 Councilor	Paradis-Catanzaro		
Ward 5 Councilor	Michaud		
At Large Councilor	Witham		
At Large Councilor	Goodwin		
At Large Councilor	Cameron		
At Large Councilor	Messier		
<b>TOTAL VOTES:</b>			
On Resolution 41-24		PASSED	FAILED



## City of Somersworth – Ordinance

Ordinance No: 13-24

### **TO AMEND CHAPTER 19, ZONING ORDINANCE, TABLE OF USES, TABLE 4.A.5, AND ADDING NOTES 11 THROUGH 11.4, REGARDING MOTOR VEHICLE SERVICE-RELATED USES WITHIN THE RESIDENTIAL/COMMERCIAL DISTRICT**

April 1, 2024

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SOMERSWORTH THAT the Ordinances of the City of Somersworth, as amended, be further amended as follows:

#### **Amend Chapter 19, Table of Uses – Table 4.A.5 as follows:**

##### Principle Use 9

To prohibit Auto Convenience Markets in the Residential/Commercial (R/C) District

##### Principle Use 20

To prohibit Motor Vehicle Repair Garage/Stations in the Residential/Commercial (R/C) District

##### Principle Use 21

To prohibit Automobile Sales in the Residential/Commercial (R/C) District

##### Principle Use 29

To prohibit Motor Vehicle Services in the Residential/Commercial (R/C) District

#### **Amend Chapter 19, Table of Uses – Table 4.A.5 by adding notes 11, 11.1, 11.2, 11.3, and 11.4 as follows:**

Auto Convenience Market, Motor Vehicle Repair Garage Station, Automobile Sales, Motor Vehicle Service shall be subject to the following Specific Land Use Standards:

**SPECIFIC LAND USE STANDARDS** In addition to the other requirements of this document, the following standards apply to the uses listed in this section. If the proposed use does not meet the standards contained herein, a variance would be required:

##### **11.1 AUTO CONVENIENCE MARKET.**

- a) The use shall be located a minimum of two hundred feet (200') from any residential property. The distance shall be measured from building to building in a straight line.
- b) All repair and service work shall be performed within an enclosed building.
- c) Bay Doors. Bay doors or vehicle entrances, exits and openings shall not face any residential zoning district within 200-feet from the face of the building containing

the bay door, vehicle entrance, exit or opening. Bay doors are required to be automatic doors so that doors are closed after vehicles have entered/exited building.

- d) No used or discarded automotive parts or equipment may be located in any open area outside of an enclosed building.

#### 11.2 MOTOR VEHICLE REPAIR GARAGE/STATION.

- a) The use shall be located a minimum of two hundred feet (200') from any residential property. The distance shall be measured from building to building in a straight line.
- b) All repair and service work shall be performed within an enclosed building. Bay doors or vehicle entrances, exits and openings shall not face any residential zoning district within 200-feet from the face of the building containing the bay door, vehicle entrance, exit or opening. Bay doors are required to be automatic doors so that doors are closed after vehicles have entered/exited building.
- c) No used or discarded automotive parts or equipment may be located in any open area outside of an enclosed building.
- d) No outside storage of stock, equipment or residual used equipment shall be located in any open area outside of an enclosed building.
- e) All disabled or wrecked vehicles shall be stored in an area which is screened from view from the surrounding properties and adjoining streets. Such vehicles shall not be stored on the property longer than 21 days.

#### 11.3 AUTOMOBILE SALES.

- a) The use shall be located a minimum of two hundred feet (200') from any residential property. The distance shall be measured from building to building in a straight line.
- b) All repair and service work shall be performed within an enclosed building.
- c) Bay Doors. Bay doors or vehicle entrances, exits and openings shall not face any residential zoning district within 200-feet from the face of the building containing the bay door, vehicle entrance, exit or opening. Bay doors are required to be automatic doors so that doors are closed after vehicles have entered/exited building.
- d) The installation and use of an outside public address or bell system is prohibited.
- e) Any used or discarded automotive parts or equipment located in any open area outside an enclosed building must be screened from view.

#### 11.4 MOTOR VEHICLE SERVICES.

- a) Building shall be constructed or arranged so that entrances, exits, and openings shall not face any residentially zoned property within 100 feet of the entrances, exits or openings.
- b) Bay Doors. Bay doors or vehicle entrances, exits and openings shall not face any residential zoning district within 100 feet from the face of the building containing

- the bay door, vehicle entrance, exit or opening. Bay doors are required to be automatic doors so that doors are closed after vehicles have entered/exited building.
- c) All service work (excluding parking services) shall be performed within an enclosed building.

This Ordinance shall take effect upon passage.

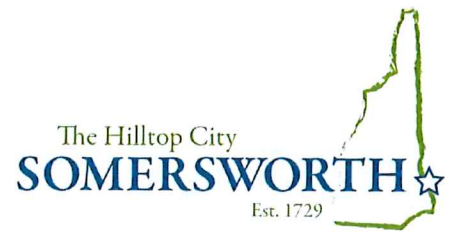
Authorization	
<i>Sponsored by Councilors:</i> Paul Goodwin Richard Michaud Robert Gibson Crystal Paradis-Catanzaro	<i>Approved:</i> City Attorney

<b>History</b>			
First Read Date:		Tabled:	
Public Hearing:		Removed From Table:	
Second Read:			

<b>Discussion</b>
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<b>Voting Record</b>		<b>YES</b>	<b>NO</b>
Ward 1 Councilor	Pepin		
Ward 2 Councilor	Vincent		
Ward 3 Councilor	Gibson		
Ward 4 Councilor	Paradis-Catanzaro		
Ward 5 Councilor	Michaud		
At Large Councilor	Witham		
At Large Councilor	Goodwin		
At Large Councilor	Cameron		
At Large Councilor	Messier		
<b>TOTAL VOTES:</b>			
On	Ordinance 13-24	PASSED	FAILED





**DATE:** March 4, 2024  
**TO:** Robert Belmore, City Manager  
**FROM:** Michelle Mears, AICP  
Director of Planning and Community Development

**RE: Zoning Amendment Proposal – Revision to Table 4.A.5 to revise allowable areas for a Motor Vehicle Related Use**

At the request of the Economic Development Committee to revise the motor vehicle service-related uses within the Residential/Commercial District the following uses have been revised from requiring a Special Exception to Prohibited:

19.25.K. AUTO CONVENIENCE MARKET. A place where gasoline, motor oil, lubricants, or other minor accessories are retailed directly to the public on the premises in combination with retailing of items typically found in a convenience market.<sup>1</sup>

19.25.XX. MOTOR VEHICLE REPAIR GARAGE/STATION. Any building, premises and land in which or upon which a business, service or industry involving maintenance, servicing, repair or painting of vehicles is conducted or rendered. (Added 05/03/2004.)

19.25.L. AUTOMOBILE SALES. Any building, land area or other premise for the display and sale of new and associated used automobiles, panel trucks or vans, trailers or recreation vehicles and including any warranty repair work or other repair, service conducted as an accessory use<sup>2</sup>

19.25.YY. MOTOR VEHICLE SERVICES. Establishments primarily engaged in furnishing motor vehicle cleaning, detailing, and rental, leasing and parking services to the general public. (Added 05/03/2004.)

The EDC also requested that a larger buffer be created for auto related services next to Residential Zoning Districts and automated bay doors be required as part of the Site Plan review process. Planning staff added language in the Table of Use (Table 4.A.5) which includes requirements in the Commercial/Industrial Zoning Districts.

DRAFT

2/29/2024 Revisions Auto Convenience Market, Motor Vehicle Repair Garage Station, Automobile Sales, Motor Vehicle Service

TABLE OF USES  
(TABLE 4.A.5)

PRINCIPAL USES		PERMITTED	SPECIAL EXCEPTION	PROHIBITED
1.	Retail, wholesale and rental trades, commercial service and repair facilities excluding motor vehicles.	B, C/I, MY, R/C	R/B	A, HMD <sup>1</sup> , I, R-1, R-1A, R-2, R-2A, R/O, MH
2.	Professional and business offices.	B, C/I, MY, R/B, R/C, R/O	-	A, HMD <sup>1</sup> , I, R-1, R-1A, R-2, R-2A, R-3, MH
3.	Restaurants, fast food restaurants, drive-in or refreshment stand.	B, C/I, MY, R/C	-	A, HMD <sup>1</sup> , I, R-1, R-1A, R-2, R-2A, R-3, R/B, R/O, MH
4.	Hotels, motels, inns, and other hospitality services.	C/I, R/C	MY <sup>6</sup>	A, B, HMD <sup>1</sup> , I, R-1, R-1A, R-2, R-2A, R-3, R/B, R/O, MH
5.	Bed and breakfast, tourist homes and boarding houses.	R/C, R/B, R/O, MY <sup>1</sup>	A, R-2, R-3,	A, B, C/I, HMD <sup>1</sup> , I, R-1, R-1A MH
6.	Personal service establishments (i.e., hair salon, copy center, photographic studio, florist, shoe repair, etc).	B, C/I, MY, R/C	R/B	A, HMD <sup>1</sup> , I, R-1, R-1A, R-2, R-2A, R-3, R/O, MH
7.	Laundry and/or dry-cleaning shop. <sup>9</sup>	C/I, R/C	-	A, B <sup>9</sup> , MY, HMD <sup>1</sup> , I, R-1, R-1A, R-2, R-2A, R-3, R/B, R/O, MH.
8.	Athletic/fitness facility.	B, C/I, MY, R/C	-	A, HMD <sup>1</sup> , I, R-1, R-1A, R-2, R-2A, R-3, R/B, R/O, MH
9.	Auto Convenience Market. <sup>9, 11</sup>	C/I	R/C	A, B <sup>9</sup> , MY, HMD <sup>1</sup> , I, R-1, R-1A, R-2, R-2A, R-3, R/B, R/O, MH
10.	Trade and craft establishment (i.e., shops for plumbers, electricians, painters, paper hangers, upholsterers, sign painters and printers).	B, C/I, MY, R/C	-	A, HMD <sup>1</sup> , I, R-1, R-1A, R-2, R-2A, R-3, R/B, R/O, MH
11.	Amusement and recreational services.	B, C/I, R/C	MY <sup>6</sup>	A, HMD <sup>1</sup> , I, R-1, R-1A, R-2, R-2A, R-3, R/B, R/O, MH
12.	Medical/dental services and related facilities, including hospitals and nursing homes.	B, C/I, MY, I, R/B, R/C, R/O	-	A, HMD <sup>1</sup> , R-1, R-1A, R-2, R-2A, R-3, MH
13.	Civic clubs.	B, C/I, MY	R/B, R/O, R/C	A, HMD <sup>1</sup> , I, R-1, R-1A, R-2, R-2A, R-3, MH
14.	Business center developments.	C/I, I, R/C, MY <sup>2</sup>	-	A, B, HMD <sup>1</sup> , R-1, R-1A, R-2, R-2A, R-3, R/B, R/O, MH
15.	Shopping mall/center.	B, C/I, MY, R/C	-	A, HMD <sup>1</sup> , I, R-1, R-1A, R-2, R-2A, R-3, R/B, R/O, MH

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<sup>1</sup> Amended 08/15/2011

<sup>2</sup> Amended 08/15/2011

DRAFT

PRINCIPAL USES COMMERCIAL/RETAIL		DISTRICT		
		PERMITTED	SPECIAL EXCEPTION	PROHIBITED
16.	Day care facilities.	B,C/I,M,I <sup>2</sup> R/B,R/C	MY <sup>6</sup>	A,HMD <sup>1</sup> ,R-1,R-1A,R-2,R-2A,R-3,R,MH,R/O
17.	Banks and other financial institutions.	B,C/I,R/C, MY <sup>6</sup>	-	A, HMD <sup>1</sup> ,I, R-1, R-1A, R-2, R-2A, R-3, R/B, R/O,MH
18.	Funeral homes.	B, C/I, R/B, R/O, R/C, MY <sup>7</sup>	-	A, HMD <sup>1</sup> ,I, R-1,R-1A,R-2, R-2A, R-3, MH
19.	Parking lot/structure.	B, MY	-	A, C/I, HMD <sup>1</sup> ,I, R-1, R-1A, R-2, R-2A, R-3, R/B, R/C, R/O, MH
20.	Motor Vehicle Repair Garage/Station. <sup>9,11</sup>	C/I, I	R/C	A, B <sup>9</sup> ,MY,HMD <sup>1</sup> ,R-1,R-1A,R-2,R-2A,R3,R/B,R/O, MH
21.	Automobile Sales. <sup>3,11</sup>	C/I	R/C	A,B,HMD <sup>1</sup> ,I,R-1A,R-2,R-2A,R-3,R/B,R/O,MH
22.	Lounge, bar, nightclub, and similar establishments.	B,C/I,MY	R/C	A,HMD,I,MH, R-1,R-1A,R-2, R2A,R3,R/B,R/O
23.	Outdoor recreation area, such as, but not limited to, golf course and amusement park.	C/I, MY <sup>7</sup>	-	A,B,I,R-1,R-1A,R-2,R-2A,R-3,R/B,R/C,RMH, R/O
24.	Adult book store or adult video store, adult motion picture theater, adult motion picture arcade or adult cabaret.	-	C/I <sup>4</sup>	A,B,MY,HMD <sup>1</sup> , R-1, R-1A, R-2, R-2A, R-3, R/B, R/C, R/O, MH
25.	Mini-warehouses. <sup>1</sup>	I	-	A,B,C/I,MY,R-1, R-1A,R-2,R-2A, R-3,R/B, R/C,R/O,MH
26.	Artisan Production Shop. <sup>5</sup>	B,C/I,HMD,R/C, MY <sup>6</sup>	-	A,R-1, R-1A,R-2,R-2, R-2A,R-3 R/B,R/O,MH
27.	Artist Studio. <sup>5</sup>	B,C/I,MY,R/B, R/C,R/O	-	A,HMD,R-1, R-1A,R-2, R-2A,R-3,MH

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TABLE OF USES  
(TABLE 4.A.5)

PRINCIPAL USES		DISTRICT		
COMMERCIAL/RETAIL		PERMITTED	SPECIAL EXCEPTION	PROHIBITED
28.	Coffee Kiosk. <sup>5</sup>	B,C/I,R/C	MY <sup>7</sup>	A,HMD,R-1, R-1A, R-2, R-2A, R-3,R/B,R/O,MH
29.	Motor Vehicle Services. <sup>5,9,11</sup>	C/I, I	<del>R/C</del>	<del>R/C</del> , A, B <sup>9</sup> ,MY,HMD, R-1,R-1A,R-2, R-2A,R-3, R/B, R/O,MH
30.	Shopping Center, Power Center. <sup>5</sup>	B,C/I,MY,R/C	-	A,HMD,I,MH, R-1,R-1A,R-2, R-2A,R-3, R/B,R/O,MH
31.	Strip Center. <sup>5</sup>	B,C/I,MY,R/C	-	A,HMD,I, R-1,R-1A,R-2, R-2A,R-3,R/B, R/O,MH
32.	Convenience Store <sup>8</sup>	C/I, R/C	B	A, CN, HMD, I,R,R-1,R-1A, R-2,R-2A,R-3, R/B,R/O, MH,MY
33.	Small Loan Lenders. <sup>10</sup>	C/I,I		A,B,CN,HMD, MH,MY,R-1, R-1A, R-2, R-2A,R-3,R/B, R/C,R/O,REC

<sup>1</sup>Passed 5/21/2001.

<sup>2</sup>As an accessory use only.

<sup>3</sup> Subject to site plan approval.

<sup>4</sup>Subject to Site Plan approval.

<sup>5</sup> Passed 5/3/2004.

<sup>6</sup> Amended 01/22/2008.

<sup>7</sup> Amended 08/15/2011

<sup>8</sup> Added 07/15/2013

<sup>9</sup> Amended 07/15/2013.

<sup>10</sup> Passed 05/05/2014. Small loan lenders shall be located a minimum of 2,000' (feet) apart.



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<sup>11</sup> Passed XXX. Auto Convenience Market, Motor Vehicle Repair Garage Station, Automobile Sales, Motor Vehicle Service shall be subject to the following Specific Land Use Standards

SPECIFIC LAND USE STANDARDS In addition to the other requirements of this document, the following standards apply to the uses listed in this section. If the proposed use does not meet the standards contained herein, a variance would be required:

#### 11.1-AUTO CONVENIENCE MARKET.

- a) The use shall be located a minimum of two hundred feet (200') from any residential property. The distance shall be measured from building to building in a straight line.
- b) All repair and service work shall be performed within an enclosed building.
- c) Bay Doors. Bay doors or vehicle entrances, exits and openings shall not face any residential zoning district within 200-feet from the face of the building containing the bay door, vehicle entrance, exit or opening. Bay doors are required to be automatic doors so that doors are closed after vehicles have entered/exited building.
- d) No used or discarded automotive parts or equipment may be located in any open area outside of an enclosed building.

#### 11.2 MOTOR VEHICLE REPAIR GARAGE/STATION.

- a) The use shall be located a minimum of two hundred feet (200') from any residential property. The distance shall be measured from building to building in a straight line.
- b) All repair and service work shall be performed within an enclosed building. Bay Doors. Bay doors or vehicle entrances, exits and openings shall not face any residential zoning district within 200-feet from the face of the building containing the bay door, vehicle entrance, exit or opening. Bay doors are required to be automatic doors so that doors are closed after vehicles have entered/exited building.
- c) No used or discarded automotive parts or equipment may be located in any open area outside of an enclosed building.
- d) No outside storage of stock, equipment or residual used equipment shall be located in any open area outside of an enclosed building.
- e) All disabled or wrecked vehicles shall be stored in an area which is screened from view from the surrounding properties and adjoining streets. Such vehicles shall not be stored on the property longer than 21 days.

**Commented [MM1]:** Storage of more than one unregistered and uninspected by the State and/or the City motor vehicle.  
C/I, I

Ask Shane about this regulation

#### 11.3-AUTOMOBILE SALES.

- a) The use shall be located a minimum of two hundred feet (200') from any residential property. The distance shall be measured from building to building in a straight line.
- b) All repair and service work shall be performed within an enclosed building.

**Commented [MM2]:** Outdoor storage, maintenance and utility areas and facilities.<sup>3</sup>

Permitted I Special Exception C/I  
Prohibited- A,B,MY9 ,HMD7 ,R-1, R-1A,R-2,R-2A,R3,R/B,R/C,R/O,MH

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2/29/2024 Revisions Auto Convenience Market, Motor Vehicle Repair Garage Station, Automobile Sales, Motor Vehicle Service

- c) Bay Doors. Bay doors or vehicle entrances, exits and openings shall not face any residential zoning district within 200-feet from the face of the building containing the bay door, vehicle entrance, exit or opening. Bay doors are required to be automatic doors so that doors are closed after vehicles have entered/exited building.
- d) The installation and use of an outside public address or bell system is prohibited.
- e) Any used or discarded automotive parts or equipment located in any open area outside an enclosed building must be screened from view.

Commented [MM3]: Check on DSR Motor Group distance from residential

Commented [CS4R3]: About 350'-400' from property line

#### 11.4-MOTOR VEHICLE SERVICES.

- a) Building shall be constructed or arranged so that entrances, exits, and openings shall not face any residentially zoned property within 100 feet of the entrances, exits or openings.
- b) Bay Doors. Bay doors or vehicle entrances, exits and openings shall not face any residential zoning district within 100-feet from the face of the building containing the bay door, vehicle entrance, exit or opening. Bay doors are required to be automatic doors so that doors are closed after vehicles have entered/exited building.
- c) All service work (excluding parking services) shall be performed within an enclosed building.

Commented [CS5]: Should this clarification be included or removed?

**MITCHELL MUNICIPAL GROUP, P.A.**

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TELEPHONE (603) 524-3885

March 27, 2024

**CERTIFICATION**

Re: City of Somersworth, New Hampshire

Ordinance No. 13-24

Title: **TO AMEND CHAPTER 19, ZONING ORDINANCE, TABLE OF USES, TABLE 4.A.5, AND ADDING NOTES 11 THROUGH 11.4, REGARDING MOTOR VEHICLE SERVICE-RELATED USES WITHIN THE RESIDENTIAL/COMMERCIAL DISTRICT**

This is to confirm that in accordance with Somersworth City Council Rules and Regulations #17 (D)1, we have reviewed the above referenced ordinance. To our examination it is in correct technical form, and to our understanding is not repugnant to the laws and constitution of the State of New Hampshire nor the Charter and Ordinances of the City of Somersworth.

**MITCHELL MUNICIPAL GROUP, P.A.**  
City Attorney

Date: March 29, 2024

By: Laura Morgan