



2023 Zoning Amendment – 12-01-23

PB Recommendation: approval 12-12-23

Deletions in **strikethrough**, additions in ***italics***

§490-102 Amendments– Establish process for amending ordinance through Town Council

To see if the Town Council will vote to adopt an amendment, as proposed by the Planning Board, to amend the Salem Zoning Ordinance as follows:

Revise Section 490-102 as follows:

~~This chapter, or any part thereof, may be amended from time to time in accordance with procedures currently prescribed under the applicable sections of the New Hampshire Revised Statutes Annotated.~~

Amendments to the Zoning Ordinance including the Official Zoning Map may be initiated by the Planning Board, Town Council, or citizens in accordance with the following procedures:

- A. *Amendments Initiated by the Planning Board. The Planning Board may, upon their own initiative, consider amendments to the Zoning Ordinance, including its overlay districts and the zoning map, and submit recommendations thereon to the Town Council. Recommendations require a majority vote from the Planning Board. The referral shall then be made in writing by the Planning Board Agent no more than fourteen (14) days following the Planning Board vote. Such amendments shall be developed pursuant to the notice and public hearing requirements contained in Subsection D below.*
- B. *Amendments Initiated by the Town Council. The Town Council may, upon their own initiative, consider changes to the Zoning Ordinance, including its overlay districts and the zoning map. All such Council-initiated changes shall be referred to the Planning Board for their review and study. The referral requires a majority vote and shall be made in writing by the Town Council Chair or their designee and shall reflect the prevailing vote within fourteen (14) days of the vote. The Planning Board shall submit a recommendation to the Town Council within sixty (60) days of the Town Council's written referral. The Town Council may grant extensions to this timeframe at their discretion.*
- C. *Amendments Initiated by Citizens. Citizens submitting proposed amendments to the Zoning Ordinance, including its overlay districts, shall forward their proposed changes to the Planning Board for their consideration. Such submission shall be by typed petition, signed by not fewer than seventy-five (75) properly registered voters of the Town of Salem, and shall set out the language of the proposed amendment or the proposed change to the Official Zoning Map. The Planning Board shall have the request placed on the agenda of the next regularly scheduled meeting, provided that the notice requirements contained in Subsection D can be met. The Planning Board shall make their recommendation concerning such requests to the*

Town Council within sixty (60) days of the date of the Planning Board's initial consideration. A thirty (30) day extension of the above time limit may be granted by the Town Council.

D. Supplemental Recommendations. *The Planning Board shall consider all Municipal bodies that have a role or interest in the proposed amendment and solicit a supplemental recommendation from that body.*

E. Public Notice and Hearing Requirements.

(1) Notice. *In accordance with RSA 675:7, notice shall be given for the time and place of the public hearing at least ten (10) days before the hearing. The notice required under this section shall not include the day notice is posted or published or the day of the public hearing. Notice of each public hearing shall be posted prominently on the home page of the Town's website and shall be posted in at least two (2) public places.*

(2) Text of Ordinance. *The full text of the proposed amendment to the Zoning Ordinance need not be included in the notice if an adequate statement describing the proposal and designating a place where the proposal is on file for public inspection is stated in the notice.*

F. Ordinance Form. *Following Planning Board review, any amendment to the ordinance shall be submitted to the Town Manager. The Planning Board Agent shall be responsible for putting the amendment into proper form beginning with the words "The Town of Salem ordains..." Whenever practical, the ordinance sections or subsections to be repealed or amended shall be set out in full and the material to be omitted shall be indicated by enclosing it in brackets or by strikeout type and new material shall be indicated by underscoring it or by typing it in italics. In every case, the recommendation of the Planning Board shall follow immediately at the end of the proposed amendment.*

G. Town Council Procedure.

(1) Agenda. *The proposed amendment shall be placed on the agenda of the Council at the next regularly scheduled Council meeting for first reading.*

(2) Introduction. *If the Council votes not to pass at the first reading, the proposed amendment dies. If the Council votes to pass the amendment to a second reading, it shall be scheduled for a public hearing before the Council. The Council may, however, refer an amendment initiated by petition that has not passed at the first reading to the Planning Board to be revised and resubmitted to the Town Council for reconsideration. Such reconsideration shall be considered to be the first reading of the amendment.*

(3) Notice and Public Hearing Requirements. *Prior to final Council action, the notice provisions contained in Subsection D above shall be followed.*

(4) Minor Revisions. *At the public hearing, the Council may make minor changes to the proposed amendment. Changes to the proposed amendment shall not in any way alter the intended effect of the proposed amendment as presented by the Planning Board and the amendment shall remain substantially the same as that which was advertised for the public hearing.*

(5) Public Hearing. *Following the second reading and public hearing, the Council shall vote on the proposed amendment.*

(6) *Majority Vote Required.* Any proposed amendment shall require an affirmative vote of six (6) Council members in order to pass.

(7) *Recording of Amendment.* If passed by the Council, the ordinance amendment shall be recorded, authenticated, indexed and printed in accordance with the provisions of the municipal charter.