

of this chapter is committed, continued or permitted by such person and shall be punishable therefor as provided therein.

§ 235-83. Conflicts with other laws; higher standards to prevail.

As provided by RSA 676:14, wherever the provisions of this chapter differs from the authority of an existing ordinance or other regulation, the provision which imposes the greater restriction or higher standard shall be controlling.

§ 235-84. Right of entry upon private property. [Amended 8-14-2000 by Ord. No. 07.2000.07]

The Planning Board, its members, the Zoning Board of Adjustment, its members, and the staff of the Planning and Community Department, in the performance of their functions, are hereby authorized to enter upon any land and to make such examinations as are reasonably necessary. In the event such entry is denied, they may obtain an administrative inspection warrant under RSA 595-B.

ARTICLE XIV
Amendments

§ 235-85. Initiation of amendments.

Amendments to the Zoning Ordinance, including amendments to the Official Zoning Map, may be initiated by the following: Planning Board; City Council; Zoning Board of Adjustment; or by citizen petition.

- A. The Planning Board, City Council or Zoning Board of Adjustment may initiate a rezoning petition without application fee. Appropriate staffing and budgeting to accomplish the projected amendment reviews should be considered by the City Council, the Planning Board and the Zoning Board of Adjustment prior to the beginning of the fiscal year to allow programming of anticipated changes.
- (1) Submittal by the Planning Board. The Planning Board may submit an amendment proposal to the Council at any time.
 - (2) Submittal by the City Council. The City Council may submit an amendment proposal to the Planning Board at any time.
 - (3) Submittal by the Zoning Board of Adjustment. The Zoning Board of Adjustment may submit an amendment proposal to the City Council at any time.
- B. Citizen petitions.
- (1) Filing deadline. Citizen petitions, submitted on a form as provided by the Planning Department, shall be filed, together with fees, a minimum of 10 days prior to a regularly scheduled Council meeting for submittal to the Council. Petitions and fees for zoning amendments shall be submitted to the office of the City Clerk who shall date stamp receipt of the petition and forward it to the City Manager's office.

- (2) Text changes. Twenty-five or more registered voters may petition for an amendment to ordinance text. Signatures shall be verified by the City Clerk at the time of receipt and shall be rejected if the number of voters is insufficient.
- (3) District boundary changes. Property owners representing 50% or more of the land area affected by a petition or 25 registered voters may petition for an amendment to district boundaries.

§ 235-86. Council referral of citizen petitions and requests from the Zoning Board of Adjustment.

- A. Citizen petitions and submittal by the Zoning Board of Adjustment shall be forwarded to the City Council for referral to the Planning Board.
- B. The City Council, upon receipt of a citizen petition or submittal from Zoning Board of Adjustment, shall review the matter at the next regular Council meeting scheduled at least 10 days after receipt of the request and shall, within 30 days, determine whether the request will be referred to the Planning Board for review and public hearing.

§ 235-87. Planning Board consideration of proposed amendments.

The Planning Board shall, at its next regularly scheduled meeting following the referral from the Council, schedule a public hearing on the petition within 30 days of the referral by the Council. In the instance of Planning Board initiated amendments, the Board shall schedule a hearing at its convenience.

§ 235-88. Hearing and notice requirements.

- A. Notice for the time and place of the public hearing and posting of the amendment language shall be as required in RSA 675:7, Notice Requirements for Public Hearing.
- B. An additional public hearing shall be held if the proposal is substantively altered by the Planning Board after public hearing. Subsequent hearings shall be held at least 14 days after the prior public hearing. In the instance of one hearing held, it shall be considered the final hearing.

§ 235-89. Action on proposed amendments.

- A. After the final public hearing the Planning Board shall, by vote, determine the final form of the amendment to be presented to the Council, which amendment may include editorial revisions and textual modifications resulting from the proceedings of the final hearing. The final form of the amendment shall be returned to the City Council within 30 days of the final public hearing. In all cases of referred amendments from the Council, the Planning Board shall hold a hearing and forward a formal recommendation to the Council within 90 days of the original referral from Council.
- B. The Council shall take final action on the petition as presented within 60 days of receipt of the Planning Board's recommendation.

§ 235-90. Effective date of proposed amendments.

No revision or amendment adopted under this section shall be legal or have any force and effect until copies of it are certified by the Mayor and filed with the City Clerk. The City Clerk shall forthwith furnish copies of the enacted ordinance revision to the Planning Department and the Planning Department shall incorporate the changes into published copies of this chapter made available to the public.

§ 235-91. Criteria for review and approval.

- A. The petitioner, the Planning Board and the City Council shall be guided in their respective actions by the following criteria. The application form provided by the Planning Department shall be intended to provide information necessary for assessment against the stated objectives of the Master Plan and each of its elements, including:
- (1) General/future land use plan.
 - (2) Conservation of natural resources.
 - (3) Transportation.
 - (4) Housing.
 - (5) Economic development.
 - (6) Preservation of historic/cultural resources.
 - (7) Public facilities.
 - (8) Recreation/open space.
- B. Assessment of the environmental, fiscal, traffic, water, sewer, drainage, architectural, landscape and streetscape impacts attributable to the proposed changes.

§ 235-92. Fees.

The City Council shall assess an application and review fee in an amount to cover the direct costs of processing petitions for zoning amendments or revisions. The purpose of the fee is to reimburse the City for costs incurred in review, including the cost of special expertise or additional staff necessary to process the petition in a timely and thorough manner.

§ 235-93. Official Zoning Map.

- A. In the event that the proposed zoning change affects the zone boundary lines, the applicant shall have a plat prepared which shows clearly the area involved and the existing and proposed zone district designations. Such a plat shall be available at the public hearing and shall accompany the application.
- B. Amendments to the district boundaries, which are approved by the Council, shall be promptly entered on the Official Zoning Map and a record of such amendment noted

thereon. An original of each plat shall be signed by the Mayor and on display in the Planning Department. A copy of each amended plat shall also be filed with the City Clerk.⁴²

42. Editor's Note: See the Table of Zoning Map Amendments included at the end of this chapter.