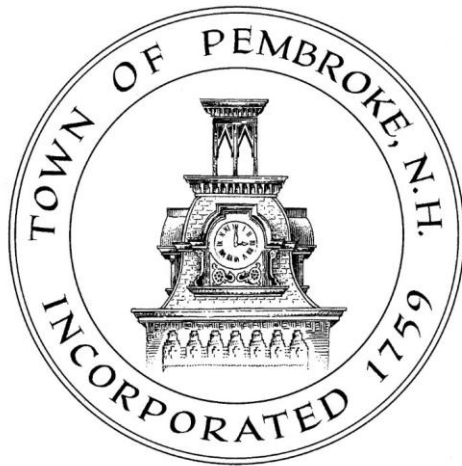


2024 Town Meeting

Zoning Amendment Voter Guide



Pembroke Planning Office
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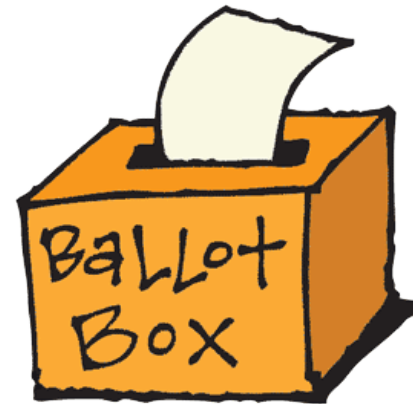
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Hi Voter!

We want you to feel like you are informed and prepared for **Town Voting on Tuesday, March 12, 2024.**

The Planning Board proposed six amendments to the Zoning Ordinance this year. The amendments range from simple “housekeeping” clean-up items, to sign regulations, and federal mandates. There is a lot to unpack, so please read on to learn more about the proposed amendments and how they will (or won’t) affect your town’s regulations.

Thank you for your time and we will see you at the polls!



2024 Zoning Amendments

Amendment #1

Are you in favor of the adoption of Amendment #1, as proposed by the Planning Board, for the Pembroke Zoning Ordinance as follows: amend Article VIII, Signs to remove content-based regulations in accordance with the 2014 Supreme Court ruling on content-neutrality as it relates to the first amendment, reformat the Ordinance to be user-friendly, and amend 143-28.G. Minor Home Business, §143-29.G. Major Home Business, §143-30.1.D.(5) Office Conversion, and §143-42.F. Commercial Kennels as they relate to signs and content-neutrality. No substantive changes are proposed to the regulations?

There are a number of issues with the current Sign ordinance which can be resolved with a change of format. The biggest issue is that the ordinance is not compliant with a 2014 Supreme Court ruling (Reed v. Town of Gilbert, AZ) on content-based sign regulations. The Supreme Court ruled that towns could not regulate signs based on the message of the sign because it was a violation of citizens' first amendment free speech rights. This major ruling affected most city and town sign ordinances across the country, and towns have been dealing with their out-of-date ordinances ever since. As there has not been any legal challenge to this ruling, it is due time that Pembroke's ordinance be updated to come into compliance. The changes proposed to the Pembroke Sign Ordinance would not functionally change the ordinance in terms of the allowed sign size, type, location, material, etc. However, changing the format and changing the way different signs fit into different categories, will help resolve the first amendment issues and have the added benefit of making the ordinance more organized and user-friendly.

Amendment #2

Are you in favor of the adoption of Amendment #2, as proposed by the Planning Board, for the Pembroke Zoning Ordinance to amend Article VIII, Signs to allow off-premise signs in the B1, B2, and LO Districts by special exception of the Zoning Board?

Off-premise signs are signs that are not installed on the property that they advertise. For example, a sign on a corner instead of on the business' property is an off-premise sign. Currently, off-premise signs are only allowed in commercial areas of the Route 106 corridor and Silver Hills Drive. However, Pembroke has other business areas such as the Village and along the upper end of Pembroke Street. The Planning Board believes it would be fair to allow off-premise signs in all the zoning districts where businesses exist. Allowing these signs by Special Exception means that there would be oversight by the Zoning Board through a public hearing process.



Example of an off-premise sign on Pembroke Street.

Amendment #3

Are you in favor of the adoption of Amendment #3, as proposed by the Planning Board, for the Pembroke Zoning Ordinance to amend Article VIII, Signs to allow signs to cover window sills and architectural molding?

Currently, wall signs are not allowed to “obscure architectural features such as, but not limited to, arches, sills, moldings, cornices and transoms, of the building to which said sign is affixed”. This list can be very restrictive when a business is looking to place their sign on the front of their building. The Planning Board recommends this amendment, so that a business would be able to cover window sills and architectural moldings with their business sign.

Amendment #4

Are you in favor of the adoption of Amendment #4, as proposed by the Planning Board, for the Pembroke Zoning Ordinance as follows: amend §143-8, Definitions and §143-69, Floodplain Development District as necessary to comply with requirements of the National Flood Insurance Program?

Last year the Federal Emergency Management Agency (FEMA) began the process of updating their flood maps. As part of that process, the State of NH reached out to towns on FEMA’s behalf to engage them in the process and provide them with what they need to remain in compliance with the National Flood Insurance Program. The State audited every town’s Floodplain ordinance and told each town what changes they would need to adopt to meet FEMA’s standards. Minor changes were recommended to Pembroke’s Zoning that don’t have a major impact on building, but do keep the town in good standing with FEMA.

Amendment #5

Are you in favor of the adoption of Amendment #5, as proposed by the Planning Board, for the Pembroke Zoning Ordinance to amend the provisions regarding Manufactured Housing Parks by inserting proper references to the Table of Dimensional and Density Standards, which was updated last year?

Last year the Table of Dimensional and Density Standards was changed from one very large and confusing chart to three separate easy-to-read tables. This proposed amendment is a clean-up item to fix a reference to the old chart in the Manufactured Housing Park provisions. Currently, the provisions reference column headers that don’t exist anymore. The amendments would get rid of the wording about Columns, A, B, C, etc. and simply replace it with “the Table of Dimensional and Density Standards”. Nothing about manufactured housing parks would change.

- C. The minimum lease/rental lot size, side, rear and front setback shall be 80% of the minimum lot area required under Column A, F, G, and H of § 143-21;
- D. Any proposed site shall have frontage on a park roadway of at least 80% of the applicable lot frontage from Column B of § 143-21;

Zoning Ordinance Section 143-32, Manufactured Housing Parks.

Amendment #6

Are you in favor of the adoption of Amendment #6, as proposed by the Planning Board, for the Pembroke Zoning Ordinance to remove from the purposes of the Wetlands Protection District the purpose of “encouraging uses that can be appropriately and safely located in wetland areas”?

The Wetlands Protection ordinance includes a section stating the purpose and intent of the ordinance. Currently, there is a statement about “encouraging” uses which can be “appropriately and safely located in wetland areas”. The ordinance also requires a 50-foot wetland buffer, so the language about “encouraging uses in the wetlands” directly conflicts and doesn’t make much logical sense. The town identified this as a problem, and recommended this zoning amendment in the Master Plan. If passed, this amendment would simply delete the sentence about “encouraging uses” from the Purpose section.



Eastern Red-spotted Newts make their homes in ponds and marshes. They are threatened by habitat loss and water pollution.

Photo by NH Fish and Game.

There’s your quick and easy run down of the zoning changes you can expect to see on the ballot.

Thanks for reading and if you have any questions, feel free to reach out the Town Planning Office at

(603) 485-4747 x1210

or

ccronin@pembroke-nh.com.