

Article XIV. Commercial District C1 Central Business District

§ 175-88.7. Purpose.

The Central Business District is designed to protect the character of the existing downtown, maintaining its pedestrian scale, while promoting a healthy mix of retail, professional office, medical and residential uses within the district and promoting mixed uses on individual properties. It is intended to enable the downtown to remain a vibrant, compact commercial center, serving the needs of community residents, the region and tourists as the economic center, and to promote a complementary and diverse mix of commercial and residential uses.

§ 175-89. Dimensional controls.

A. Minimum lot area:

(1) Commercial: none required.

(2) Single-family/duplex: 21,780 square feet (Town sewer and water required).

(3) Multifamily: 6 units per acre (Town sewer and water required).

B. Minimum lot frontage: 50 feet.

§ 175-90. Setback requirements; height requirements; coverage.

A. Setback requirements.

(1) Front yard (street):

(a) Commercial: none required.^a

(b) Single-family/duplex: **5 30 feet.**

(c) Multifamily: **5 10 feet.**

(2) Side yard:

(a) Commercial: none required.^a

(b) Single-family/duplex: **5 10 feet.**

(c) Multifamily: **5 6 feet.**^b

(3) Rear yard:

(a) Commercial: none required.^a

(b) Single-family/duplex: **5 10 feet.**

(c) Multifamily: **5 6 feet.**^b

B. Maximum height permitted: 30 feet, for structures with roofs with a pitch of less than 10/12, and 35 feet if 10/12 or greater. However, the height restrictions shall not apply to appurtenant structures, such as church spires, belfries, cupolas, domes, chimneys, flagpoles, antennas or similar structures, provided that no such structure shall exceed a maximum footprint of 144 square feet.

NOTES: ^aWhere lots within these districts share a boundary line with a lot which lies in any residential district, yard requirements as measured

from those shared boundary lines shall be as indicated under all other commercial districts. ^bIn yard areas which abut a residential district, parking shall not be permitted. ^cCentral Business District: Yard area along the shore front shall have a minimum depth equal to the vertical distance between the lowest and highest points of the structure, not including appurtenant structures such as spires, cupolas and domes
C. Percent coverage: 100%.

§ 175-91. Permitted uses.

[Amended 3-9-2010 ATM by Art. 3]

A. One of the following dwelling unit structures is permitted per lot:

(1) One single detached dwelling per lot.

(2) One accessory apartment.

(3) One duplex dwelling per lot.

B. Accessory structures.

C. Accessory uses.

D. One home occupation, occupying up to 500 square feet of the single-family dwelling (requires TRC approval).

E. Commercial establishments (stores and shops for the conduct of retail business or personal service).

(1) Offices.

(2) Restaurants.

(3) Banks.

(4) Indoor theater.

(5) Similar community services.¹

(6) Inns.^{1,3}

F. Signs, no more than two per business, including add-on signs.

G. Nursing or convalescent homes, and the like.¹

H. Multifamily dwellings.¹

I. One accessory dwelling unit per principal commercial building. (No density requirements shall apply.)¹

J. Conversion of structure to a bed-and-breakfast.¹

K. Conversion of a permitted use to another permitted use and no change to the exterior of the building or parking is required.²

[Amended 3-12-2013 ATM by Art. 2]

NOTES:

¹Requires Planning Board approval under the provisions of RSA 676:4.

²The use shall require a change of use permit and compliance with all applicable building and life safety codes.

³The use shall not be exempt from the parking requirements as provided for in § 175-130.B.

§ 175-92. Special exception uses.

[Amended 3-9-2010 ATM by Art. 3]

Uses which may be permitted by special exception shall be as follows:

- A. Dispensing of marine fuels.¹
- B. Nonprofit educational institutions.¹
- C. Public parks and playgrounds.¹
- D. Hospitals for the treatment of human beings.¹
- E. Libraries, museums and the like.¹
- F. Uses necessary to the above.¹
- G. Affordable nonprofit housing for the elderly and affordable nonprofit workforce housings.¹

¹ NOTE: Requires Planning Board approval under the provisions of RSA 676:4.

§ 175-92.1. Other requirements.

[Added 3-9-2010 ATM by Art.3]

A. Development standards.

(1) Parking. No new parking shall be located on the portion of the lot between the front wall of the principal building and the front property line. This restriction shall apply to the full width of the lot. For corner lots, this restriction shall apply to all frontages abutting a public street.

(2) Vehicular access. No new vehicular access or driveway shall be located or pass between the front wall of the principal building and the front property line.

(3) Building setback. The front wall of the principal building shall be located within 15 feet of the front property line.

(4) Pedestrian area. The area directly in front of the front wall of the building and extending to the front property line shall be maintained as a pedestrian area and shall be improved with appropriate amenities to link the building with the sidewalk and to encourage pedestrian and/or customer use of the space.

(5) Front entrance. The front wall of the principal building shall contain a front door providing access to the building for tenants, customers, or users of the building.

(6) Treatment of the front facade. The front wall of the principal building shall be designed to include windows appropriate to the proposed use. On the first floor, not less than 20% of the surface area of the front wall shall be windows. On upper floors, not less than 10% of the surface area shall be windows.

B. For additional requirements, see:

(1) Article XXII, Off-Street Parking and Loading Requirements.

Article XXII. Off-Street Parking and Loading Requirements

[Amended 3-8-2011 ATM by Art. 4]

§ 175-128. Purpose and intent.

Any use of land involving the arrival, departure, or storage of motor vehicles, and all structures and uses requiring the delivery or shipment of goods as part of their function, shall be designed and operated to:

A. Promote traffic safety by assuring adequate places for storing of motor vehicles off the street, and for their orderly access and egress to and from the public street.

B. Increase the traffic-carrying capacity of streets and highways in the Town and obtain a more efficient utilization of on-street curbside parking.

C. Reduce hazards to pedestrians upon public sidewalks.

D. Encourage bicycling and pedestrian pathways and facilities.

E. Protect adjoining lots and the general public from nuisances and hazards such as:

(1) Noise, glare of headlights, dust and fumes resulting from the operation of motor vehicles.

(2) Glare and heat from parking lots.

(3) A lack of visual relief from expanses of paving.

(4) Accelerated runoff of surface water from land covered by impervious materials.

§ 175-129. Issuance of permits.

No building permit or certificate of occupancy shall be issued for the erection of a new building, the enlargement or increase in the floor area of an existing building, the development of a use not located in a building, or the change from one type of use to another, unless off-street parking spaces or loading bays are provided in accordance with this article.

§ 175-130. Change or expansion of use.

A. Central Business District parking requirements. In the CBD, parking shall be evaluated in a different manner. Typically, on-site parking is insufficient or is lacking completely. However, the downtown currently functions and people do find parking, so rather than establishing a

number of spaces required, it is hereby determined that the amount of on-site parking is a base from which to analyze changes in parking demand. New or changing uses shall be evaluated from the perspective of changes in the demand for on-site parking. Proposed changes which decrease demand shall be permitted. Proposed additions and new buildings with no increase in demand shall be permitted only upon provision of additional parking spaces in an amount equal to the increase in parking demand. Such spaces may be provided by one or more of the following means:

(1) Additional on-site parking spaces.

(2) Off-site parking spaces, located within 500 feet of the site. The distance from the off-site parking to the associated use shall be measured in walking distance along a sidewalk or other pedestrian path separated from street traffic from the nearest parking space to the principal pedestrian entrance to the building housing the use. Such off-site parking shall not reduce the required parking for any other use utilizing the property on which it is located unless such shared use is approved by the Planning Board. The right to use the off-site parking must be guaranteed for the duration of the use as evidenced by a deed, lease, easement, or similar written instrument as may be approved by the Town Attorney. The off-site parking shall be located in the Central Business District.

(3) Fee in lieu of parking. The Planning Board may allow that fees be paid in lieu of providing all or a portion of the off-street parking spaces required for a use. Fees in lieu of parking shall be \$_____ per deficit parking space and shall be paid in full prior to the issuance of a building permit. The payment of fees in lieu of parking will be made to the Fees in Lieu of Parking Fund to be used solely for the purpose of creating and maintaining public parking in the CBD.

B. CBD and WF Districts. Parking requirements under this article shall not apply to a change to a commercial use or an expansion of a commercial use that does not include an addition or expansion of the existing square footage of the building in these districts; provided, however, that the number of parking and loading spaces available on site shall not decrease. Additions/expansions of the existing square footage of the building shall meet the requirements of this article.

C. All other districts. Changes of use shall meet the requirements of this article. Expansions of use shall require additional parking and loading for said expanded area as required by this article.

§ 175-131. Shared parking.

The Planning Board may approve the joint use of parking spaces by two or more establishments or uses on the same or contiguous lots, the total capacity of which is less than the sum of the spaces required for each, provided that the Board finds that the following standards are met:

A. The parking provided meets the intent of the requirements during the peak use required by such establishments.

B. The approval by the Planning Board of such parking spaces shall be upon the following conditions:

(1) The approval granted will automatically terminate upon the termination of any establishment participating in the joint use.

(2) The approval will automatically terminate upon any substantial change in the time pattern of the joint use of spaces by any establishment participating therein which results in the total spaces provided being insufficient for the combined requirements of the users.

§ 175-132. Location of off-street parking spaces.

Required off-street parking spaces shall be provided on the same lot or premises with the building or land they serve, except as follows:

A. Parking spaces required for buildings or land uses on two adjoining lots may be provided in a single common facility on one or both of said lots.

B. The provision of off-lot, off-street parking spaces shall be limited to nonresidential uses. All required off-street parking spaces, other than those in a parking facility, shall be located only in a zoning district in which the use being served by those spaces is a permitted use.