

Town of Derry

"Derry, New Hampshire's Place to Be"

LEGAL NOTICE

The Planning Board for the Town of Derry will hold a public hearing on **Wednesday, March 17, 2021**, at **7:00 p.m.** at the Derry Municipal Center, 14 Manning Street, to review the following amendment. This meeting will be in person and virtual.

The Planning Board for the Town of Derry will hold a public hearing to discuss proposed changes to the following section of the Town of Derry Zoning Ordinance: Article VI, District Provisions, Section 165-32.1.A, General Commercial District to amend the list of permitted uses.

POSTED: FEBRUARY 18, 2021

Derry Municipal Center

Derry Public Library & Taylor Library (by e-mail)

Union Leader for publication, February 19, 2021

ARTICLE VI DISTRICT PROVISIONS

Section 165-32 GC - General Commercial District

1. A. Permitted Uses. The following types of uses shall be permitted:

(Revised 07/19/2013, rev 06/21/2019, rev xx/xx/2021)

~~1. The following types of uses shall be permitted:~~

1. Aeroponics

2. Agritourism

3. Aquaponics

~~a.4.~~ Automobile Repair.

~~b.5.~~ Automobile and similar vehicle sales.

~~c.6.~~ Automobile service station.

7. Bank

8. Brewery

~~d.9.~~ Brew Pub

~~e.10.~~ Bus depot/sale of travel accommodations

~~f.~~ Clinic

g.11. Commercial Performing Fine Arts Schools and Studios ((Effective 08/06/2015)

12. Commercial Service Establishment

~~h.13.~~ Contractor

~~i.14.~~ Day Care

~~j.15.~~ Drive-In Restaurant

~~k.16.~~ Essential Services Facility

17. Filling Station

l.18. Health Service Facility

~~m.19.~~ Home Occupations

~~n-20.~~ Hospital

~~3-21.~~ Hotel

~~4-22.~~ Hydroponic Agriculture

~~e-23.~~ Inn

~~24.~~ Indoor Commercial Recreational Facility

~~p-25.~~ Indoor Farming

~~q-26.~~ Library

~~27.~~ Light Industry

~~r-28.~~ Light Manufacturing

~~s-29.~~ Manufacturing

~~30.~~ Medical Office

~~t-31.~~ Microbrewery

~~u-32.~~ Office

~~v-33.~~ Professional Office

~~w-34.~~ Any public use or use by a semipublic agency for which the activities are primarily non-profit in nature.

~~x-35.~~ Public/Private Educational Facility

~~36.~~ Radio Broadcasting and receiving stations, excluding wireless communication towers

~~y-37.~~ Research and Development Laboratory

~~z-38.~~ Restaurant

~~aa-39.~~ _____ Retail Sales Establishment

~~bb-40.~~ _____ No use described in Section 165-32.A.1 shall be construed or interpreted to allow sexually oriented businesses in the General Commercial District except as provided in Subsection D.

~~cc-41.~~ _____ Sports Wagering (Effective 02/27/2020)

2. Single family dwelling units existing as of the effective date of this amendment (July 19, 2013), shall be considered legal permitted uses.

B. Area and dimensional requirements

1. Minimum Lot Area:

- a. With public sewer; thirty thousand (30,000) square feet

- b. Without public sewer; one acre, plus 10,000 square feet for each 200 gallons per day of sewage effluent after the first 200 gallons per day, unless the owner can show adequate plans for sewage disposal on a smaller lot.
- 2. Minimum Frontage Requirement: 125 feet (Effective 11/21/03)
- 3. Minimum Yard Depths:
 - a. Front yard: 35 feet;
 - b. Side and Rear yards: 20 feet.

C. Buffer zones shall be established in accordance with the provisions of the Chapter 170, Land Development Control Regulations.

D. Sexually Oriented Businesses are permitted in the General Commercial District. Sexually oriented business shall comply with and shall satisfy all restrictions in Section 165-27.

E. Wireless Communications Facilities are a prohibited use in the General Commercial District.

F. Conditional Use Permit (Effective 11/21/03)

The Planning Board, upon receiving a completed application under the terms of this section, and upon making findings of fact as stipulated and required herein, shall grant a Conditional Use Permit for certain non-residential uses within the GC District, subject to the terms, conditions and restrictions of this section

1. Non-residential uses allowed by Conditional Use Permit

The following non-residential uses shall be eligible for Conditional Use Permit, as provided herein.

- a. Self-storage
- b. Accessory uses to Self-storage

2. Required conditions for issuance of Conditional Use Permit

The Planning Board shall issue a Conditional Use Permit for any of the uses listed in sub-section 1, subject to the terms, conditions and restrictions of this section, if the Board shall find all of the following to be true:

A. The proposed use provides reasonable architectural & landscape features that in the opinion of the Board will not devalue abutting properties. Any architectural design regulations that may from time to time be adopted by the Derry Planning Board and incorporated into the Land Development Control Regulations, shall be applicable, as additional requirements, for any Conditional Use Permit issued under the terms of this section

B. The proposed use will not cause an undue or unmitigated impact upon its surrounding neighborhood in terms of pedestrian or vehicular traffic, unusual noise, or excessive light levels, based on the design standards and existing or proposed capacity of public and private infrastructure servicing the neighborhood and the proposed use, such as roadways, access drives traffic signage and signalization, sidewalks, water and sewer.
(Effective 7/5/07)

C. The proposed use complies with those site plan requirements for uses allowed in the GC District.

D. The proposed use augments and complements the other permitted uses within the neighborhood and the GC District.

E. The proposed location and size of the proposed use within the GC District would not be essentially incompatible with the neighborhood and be more advantageous and practicable in one area of the GC District than in all areas of the GC District.

3. Duration

All Conditional Use Permits issued pursuant to the provisions of this section shall “run with the use” and not be subject to revocation unless:

- A. The conditional use is changed to some other use permitted within the GC District, or
- B. The conditional use is abandoned for a period exceeding one year.

4. Conditions and Restrictions – The following general rules apply to the granting of a Conditional Use Permit:

- 1. Any conditional use permitted under the provisions of this section shall be subject to all restrictions and requirements of the GC District.
- 2. All storage of property shall be within an enclosed building.
- 3. No on site repair of vehicles or other machinery stored in the facility may be conducted.
- 4. The facility may not be used as a transfer and storage business where vehicles are a part of the business.
- 5. In approving a conditional use permit, the Planning Board may impose conditions and/or restrictions on the use consistent with the unique characteristics of the neighborhood and its environment.

5. Application – Applicants shall be required to submit an application for a Conditional Use Permit in such detail as may be set forth in regulations established by the Planning Board.