

Purpose of Amendment – to clarify the list of permitted use in the zone. Medical Office was a permitted use under the definition of “Professional Office” until the definition of Medical Office was created in 2013. The use in GC II is predominantly Medical Office and therefore the majority of the uses in the zone are currently pre-existing, non conforming. This change would bring those lots and uses (which have been in existence or approved prior to 2013) in compliance. It is interpreted that Health Service Facility includes Ambulatory Surgical Centers.

ARTICLE VI DISTRICT PROVISIONS

Section 165-32.1 General Commercial II District (GC-II) (Effective 7/15/04)

PURPOSE: To encourage those uses that best fit the infrastructure and land within said district and will provide a potential to increase Derry’s commercial tax base and provide employment opportunities to Derry residents.

A. PERMITTED USES

The following uses are allowed in the GC-II District:

1. Professional Office of 5,000 gross square feet (GSF) or greater with multiple occupants OR at least 2,500 GSF with a single occupant, or with no minimum GSF on lots of record in existence as of the adoption of this amendment that have a land area less than the area requirements imposed by this amendment.
2. Natural expansion of valid pre-existing non-conforming uses (VPENCU), existing as of the adoption of this amendment, as provided in Article XIII of this ordinance, by NH State Statues, and by relevant case law.
3. Hotel and/or Conference Center.
4. Full-Service Restaurants. Drive-thru service shall not be permitted as part of this use.
5. Retail sales of 5,000 gross square feet (GSF) or greater that may be divided into a smaller individual retail establishments , or with no minimum GSF on lots of record in existence as of the adoption of this amendment that have a land area less than the area requirements imposed by this amendment. Drive-thru service shall not be permitted as part of this use.
6. Pharmacy, including drive-thru service.
7. Filling station for the sale of gasoline and accessory uses. This includes a mini-mart and/or sale of food items. No additional stations shall be allowed within 1,000 feet of an existing or proposed station.

8. Bank of 1,500 gross square feet (GSF) or greater, which may include drive-thru service.
9. Wholesale sales of 2,500 gross square feet (GSF) or greater, or with no minimum GSF on lots record in existence as of the adoption of this amendment that have a land area less than the area requirements imposed by this amendment, which may include retail sales and contract installation or construction as accessory uses. Drive-thru service shall not be permitted as part of this use.
10. Retail sales or lease of new automobiles and trucks of 2,500 gross square feet (GSF) or greater, which may include any of the following as accessory uses; wholesale sales of new automobiles and trucks, retail and/or wholesale sale of used automobiles and trucks or servicing and repair of automobiles and trucks.

11. Medical Office

40-12. Health Service Facility

B. AREA AND DIMENSIONAL REQUIREMENTS:

1. Minimum lot area:
 - a. With public sewer – 30,000 sq. ft.
 - b. Without public sewer – 1 acre plus 10,000 square feet for each 200 gallons a day of sewer effluent after the first 200 gallons, unless the owner can show proper plans for the disposal of sewer on a smaller lot
2. Minimum Frontage Requirement – 200 feet
3. Minimum lot width – 200 feet at the 35 foot front setback line
4. Minimum yard depth –
 - a. Front yard – 35 feet.
 - b. Side and rear yards – 20 feet.

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

D. ADDITIONAL REQUIREMENTS:

1. Any development in this district shall be subject to the Architectural Design Regulations contained within Chapter 170, the Land Development Control Regulations.
2. Uses specifically prohibited in the GC-II District:
 - a. Sexually oriented businesses.
 - b. Wireless communication facilities.
 - c. Manufactured housing.