

Article XX.

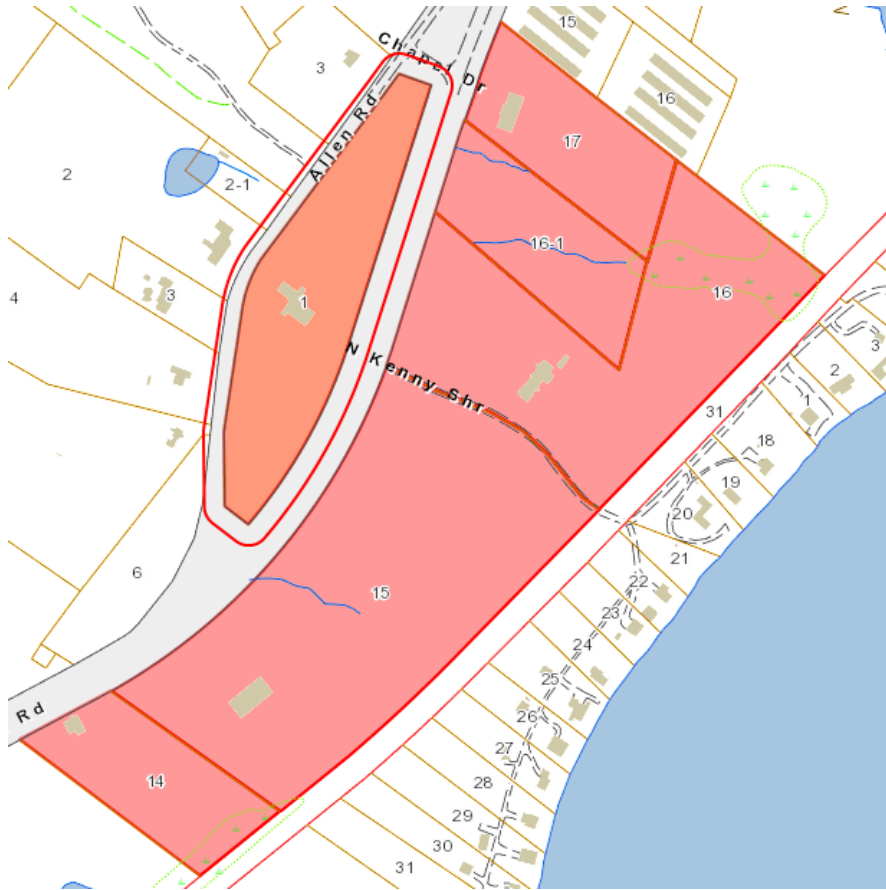
§ 175-XX. Purpose and Intent.

The purpose of this Overlay District is to provide for the opportunity to develop commercial, offices, business and education uses in addition to the permitted uses in the underlying zoning district on lots bordered by commercially zoned properties or previously used commercially. The intent of this overlay district is to prevent commercial creep by variance and to ensure that any new development is designed to protect the Lake Wentworth Watershed, as well as to facilitate the development of aesthetic mixed uses in a manner which enhances the gateway image. Further, it is the purpose of this District to create an attractive entrance to Wolfeboro, to promote the overall aesthetics of the District, and to control vehicular access and encourage an orderly and safe traffic flow along Center Street/NH Rte 28.

This Ordinance is designed to achieve, among others, the following objectives:

- A. To facilitate development of mixed uses in a manner which enhances the gateway image through the application of site design and, which assures high-quality of development in a manner that ensures such uses are compatible with the surrounding environment and residential uses.
- B. To establish regulations on land uses along this corridor and within the Lake Wentworth/Crescent Lake Watershed to assure the protection of the quality of the lake's water resources from non-point and point source pollution, while allowing flexibility of land use consistent with maintaining such quality.

§ 175-XX. Boundaries.



§ 175-XX. Special Exception uses.

Uses which may be permitted by Special Exception shall be as follows:

- ~~A. Banks.^{1,2}~~
- B. Business services.^{1,2}
- C. Professional offices.^{1,2}
- D. Personal services.^{1,2}
- ~~E. Inns.^{1,2}~~
- F. Bed and Breakfast.^{1,2}
- ~~G. Museum.^{1,2}~~
- ~~H. Library.^{1,2}~~
- I. Cultural arts facility.^{1,2}
- J. Educational institutions.^{1,2}
- ~~K. Day care, any number of people.^{1,2}~~
- ~~L. Elderly housing.^{1,2}~~
- M. Recreational Use
- N. Horticultural Establishments
- ~~O. Movie Theatres^{1,2}~~
- P. Restaurants.^{1,2}
- ~~Q. Restaurants, carryout.^{1,2}~~

~~§ 175-XX. Design standards.~~

NOTES:

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

² All parking areas shall be located at the rear of buildings. Where the Planning Board determines that such placement is not practicable, parking may be located at the side of buildings, provided that no part of the parking area is located forward of the front elevation of the building. Any parking area located on the side of a building shall be screened from the road.

175-XXX STORM WATER MANAGEMENT: The Storm Water Management Regulations (Site Plan Review and Subdivision Regulations) are adopted by reference as part of this ordinance and no waivers shall be permitted from said regulation(s).

§ 175-XXX BUFFER REQUIREMENTS: A one hundred foot (100') wide buffer strip shall be maintained along the edge of all perennial ~~tributary~~ streams within the district discharging into the Lake Wentworth Watershed. The required buffer distance shall be measured from the centerline of such tributary stream. The buffer strip shall be maintained in its natural state to the maximum extent possible, and shall be planted with an erosion resistant vegetative cover in those areas that have been disturbed.

A reduction in the required buffer width down to an absolute minimum of seventy-five feet (75') may be granted by the Planning Board upon presentation of an impact study that provides sufficient documentation and justification that even with the reduction, the same or a greater degree of water quality protection would be afforded as would be with the full-width buffer. In granting such a reduction, the Planning Board may require additional erosion control or runoff control measures as deemed necessary to protect water quality.

All development shall be located outside of the required buffer strip, except for the following:

- A. Encroachment into or through the required buffer by roads, utilities, or stormwater management structures may be permitted provided the following performance standards are met:

- (1) Road and utility crossings will be limited to the shortest path possible and that which causes the least amount of land disturbance and alteration to the hydrology of the watershed.
- (2) Any stormwater management facilities located within the buffer should be sited within the context of a larger watershed stormwater management program.
- (3) No more land shall be disturbed than is necessary.
- (4) Indigenous vegetation shall be preserved to the maximum extent possible.
- (5) Wherever possible, disturbed areas shall be planted with trees and shrubs.

§ 175-XXX DEVELOPMENT STANDARDS

- A. 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.
- B. 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.
- C. Treatment of the front façade – 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 twenty percent of the surface area of the front wall shall be windows. On upper floors, not less than ten (10) percent of the surface area shall be windows.
- D. Storage and Service Areas – all storage and service areas and facilities including dumpsters shall be located to the side or rear of the principal building and shall not be visible from a public street.
- E. Reuse of Residential Structures – The conversion or reuse of residential structures for non-residential use shall not alter the essential character of the building. Alterations or additions to the structure shall maintain the existing character of the structure.
- F. Architectural treatment of Buildings- The principal building shall have a pitched roof with a minimum pitch of 10/12 and shall be compatible in design and materials with traditional New England architecture (see the Voluntary Design Guidelines for additional clarification). “Franchise” architecture, where the design of the building serves as an advertising feature, shall not be permitted within the district.

§ 175-XXX. OTHER REQUIREMENTS:

For additional requirements, see:

- A. Article XXII, Off-Street Parking and Loading Requirements.
- B. Landscaping – In addition to compliance with Article XXV. Streetscape, Buffering and Screening, the setback from the rail corridor shall be treated as a buffer yard and shall comply with the following standards:
 - 1. The setback shall contain vegetative plantings and/or architectural screening that achieves the purpose of the buffer yard, and which meets the requirements for buffering below. Trees used for buffering purposes shall be suitable as defined below in § 175-158D entitled "Screening, general standards."
 - 2. *One (1) streetscape tree planting shall be required for every 30ft of frontage and spaced every 30 ft.*
 - 3. The setback shall be maintained in a natural condition free of structures, loading or storage areas, parking, roads, or driveways.
 - 4. The Setback shall be applied equally to all similarly situated properties. Modifications to these standards may be granted in writing by the Planning Board if the Planning Board, after consultation with a certified landscape professional or landscape architect, finds any of the following circumstances exist on the proposed building site, or surrounding properties:
 - (a) Natural land characteristics such as topography or existing vegetation would achieve the same intent of this section.
 - (b) Innovative landscaping or architectural design is employed on the site to achieve an equivalent screening or buffering effect.
 - (c) The required buffering would be ineffective at maturity due to the proposed topography of the site, and/or the location of the improvements on the site.