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Chapter 32 Zoning

Sec. 32-160. Downtown commercial overlay district.

- (a) Purpose. The purpose of the downtown commercial overlay district shall be to protect and enhance the commercial, social, civic and residential functions of the downtown village area. It is recognized that the village is an important place of business and of social interaction. Controls are intended to enhance the village by recognizing the importance of street level commercial space, providing for relatively high density, a mix of uses, and design compatible with the pedestrian scale and historic nature of the area.
- (b) Overlay district boundaries. The downtown commercial overlay district boundaries shall include all properties within the M-2 district and having frontage on Main Street ~~or~~ South Main Street, **or Exeter Road.**
- (c) Requirements.
- (1) **Standards. Qualifying development activities on lots located within the Downtown commercial overlay district shall require site plan review, pursuant to Appendix-B Site Plans of the Municipal Code of the Town of Newmarket, New Hampshire. Notwithstanding, development activities exempt from site plan review shall adhere to the architectural design standards, pursuant to Sec. 3.21 Architectural and aesthetic review of Appendix-B Site Plans of the Municipal Code of the Town of Newmarket, New Hampshire.**
 - (2) All permitted uses allowed in the M-2 district shall be allowed, except single-family residential, excluding manufactured housing, duplex residential, and age-restricted housing shall be prohibited in any street level space.
 - (3) All uses permitted by special exception in the M-2 district shall follow the applicable requirements of section 32-46(b)(2), except that multifamily residential shall be prohibited in any street level space.

Appendix B – Site Plans

Sec. 1.03.—Definitions

Renovation: An alteration or restoration modifying the exterior portions of an existing structure.

Sec. 1.05.— Applicability

There are three possible applications of this Regulation to the development or change of a non-residential or multi-family site. The following criteria specify the level of review necessary:

- (A) *Not Applicable.* Upon receipt of a written letter of acknowledgment from the Code Enforcement Officer, this Regulation is not applicable for the following:
- (1) Temporary Events which require no permanent alterations to the site and which function safely within the approved configuration of the site, as determined by the Code Enforcement Officer;
 - (2) Special Events approved by the Town Council;
 - (3) Home Occupations;
 - (4) Within the M-2 district, change of use, from one non-residential use to another non-residential use, which involves no more than ~~500~~ **2,000** square feet of gross floor space.

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41 **(5) Re-roofing to a building or a renovation affecting 50-percent or less of a building's**
42 **exterior for those portions of the building observable from Route 108, Exeter Road,**
43 **Main Street or South Main Street on lots located within the Downtown commercial**
44 **overlay district.**

45 (B) *Minor Review.* A Minor Review by the Planning Board shall be required for the following:
46 (1) Change of use of a non-residential site, for which no change in floor area is proposed, and
47 which either maintains or decreases the intensity of use on the site with respect to parking
48 demand and traffic generation or for a site with 2,000 square feet or less of gross floor area;
49 (2) Expansion of non-residential floor space by 500 square feet or less, with no change of use;
50 (3) Within the M-2 district, any change of use of an existing non-residential building which will
51 be accompanied by a renovation of the facade of the building which, in the opinion of the
52 Planning Board, will enhance its aesthetic contribution to the heritage and visual qualities of
53 the village;
54

55 **(4) A renovation to a building's exterior by more than 50-percent for those portions of the**
56 **building observable from Route 108, Exeter Road, Main Street or South Main Street on**
57 **lots located within the Downtown commercial overlay district.**

58 **(5) Waiver requests, pursuant to Sec. 5.01 Waivers and Substitutions, from Sec. 3.21**
59 **Architectural and aesthetic review, for exterior building renovations on lots located**
60 **within the Downtown commercial overlay district.**

61 ~~(4)~~**(6)** Site improvement alterations without new development, re-development, expansion or
62 change of use; or

63 ~~(5)~~**(7)** Establishment of a bed and breakfast.

64 (C) *Major Review.* A Major Review by the Planning Board shall be required for the following:

65 (1) Establishment of non-residential uses where no non-residential use currently exists;
66 (2) Establishment of multi-family use where no multi-family use currently exists;
67 **(3) Development or redevelopment of a lot located within the Downtown commercial**
68 **overlay district.**

69 ~~(3)~~**(4)** Any other development, re-development, change of use or expansion of a multi-family or
70 non-residential site, and not addressed in the § 1.05(A) or (B).

71 **Sec. 3.21. Architectural ~~and~~ /aesthetic review.**

72 It is important to the economic success of Newmarket that the appearance of the Town be perceived as
73 an attractive commercial environment, which reflects and compliments its heritage. The architecture of
74 Newmarket spans several periods of design in New England, including some 18th century, 19th century,
75 and early 20th century structures. It is important to continue to allow diversity of building designs and
76 architectural styles, which blend well with the buildings from these periods.

77 ~~It is also important to avoid economic hardship and impose unreasonable standards on existing building owners~~
78 ~~who wish to make modifications to their structures.~~ **The purpose of this section is to strike a balance between**
79 **architectural designs complimenting the town's urban core while fostering economic development**
80 **opportunities.** ~~†~~ This regulation applies only to structures located along Route 108 **or within the downtown**
81 **commercial overlay district.**

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- 86 (A) Design Criteria. New building designs will be evaluated using the following factors. Design
87 criteria are also provided here to assist in this evaluation.
- 88 (1) Scale, proportion, height and area of a building;
89 (2) Type, shape, and pitch of roof;
90 (3) Size and spacing of windows, doors and other openings;
91 (4) Exterior materials and colors;
92 (5) Styling of front facade;
93 (6) Architectural details and features.
- 94 (B) The following criteria are to be followed not to specifically dictate one particular architectural
95 style, but rather to provide guidance to allow structures, which are consistent with one of several
96 New England styles present in town.
- 97 (1) Avoid unbroken expanses of walls. Architectural treatment shall be provided for blank building
98 faces, which are exposed to public view. Such treatments may consist of varying wall
99 setbacks, changing materials or material colors and textures, or other architectural detailing.
- 100 (2) Avoid long unbroken expanses of rooflines through the use of dormers, skylights, chimneys,
101 brick firebreaks, and changes in ridgeline.
- 102 (3) Use architectural features and details, such as cornices, pediments, columns, pilasters, corner
103 boards, cupolas, skylights and arches to create interesting buildings.
- 104 (4) Door and window openings shall be proportional to the facade length and height. Transom
105 lights are encouraged where appropriate to style.
- 106 (5) All rooftop mechanical equipment shall be screened from public view. This may be
107 accomplished by a peaked, semi-peaked, or mansard roof.
- 108 (6) Structures shall be compatible with the height, depth, and window proportions of surrounding
109 buildings.
- 110 (7) Roof design shall be consistent with the overall design of the building. For example, a
111 clapboard or brick building of the late 18th century or early 19th century design shall have a
112 peaked roof, while a brick or stone building representing late 19th century architecture may
113 have either a peaked, flat or mansard roof.
- 114 (C) All exterior surfaces visible to the public shall be covered with high quality material that is
115 durable and easy to maintain. No unclad, plain masonry block construction or corrugated metal
116 may be used when visible from any public space, adjacent residential area or roadway. The
117 following design features are acceptable when their use is consistent with the overall
118 architectural style of the project. Other materials may be considered acceptable if the board
119 determines they contribute to the overall aesthetics of the project.
- 120 (1) Roofs.
- 121 (a) Metal, copper, or colored standing seam;
122 (b) Shingles of asphalt, fiberglass or fire-treated wood;
123 (c) Slate or composite material of slate appearance.
- 124 (2) Walls.
- 125 (a) Wood clapboards (painted or stained), or vinyl;
126 (b) Red brick;

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- 127 (c) Granite, marble, or stone (natural or finished).
- 128 (3) Windows.
- 129 (a) Multi-paned windows or groupings (removable mullions are acceptable);
- 130 (b) Large paned windows, consistent with late 1800s or early 1900s architecture are
- 131 acceptable on the ground floor;
- 132 (c) Etched, beveled, sandblasted or stained glass;
- 133 (d) Other window types as architecturally appropriate or application specific.
- 134 (4) Trim.
- 135 (a) Wood (painted or stained);
- 136 (b) Anodized aluminum or vinyl.
- 137 (5) Color.
- 138 (a) No specific color requirements are mandated; however, the use of day glow colors or
- 139 garish corporate logos masquerading as painting are discouraged.
- 140 (6) Fencing.
- 141 (a) All fencing installed in the B-1 and ~~M-2 District along Route 108~~ **and the Downtown**
- 142 **commercial overlay district** shall be of natural (wood) or architectural materials such as
- 143 ornamental metal fencing.
- 144 (b) The installation of chain link fencing in these areas shall be prohibited.
- 145