



OLD VALUES - NEW HORIZONS

COMMUNITY DEVELOPMENT

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SECTION 620 MARKET SQUARE OVERLAY DISTRICT

620.1 PURPOSE AND LOCATION:

The Town of Windham has adopted the Market Square Overlay District to generate a walkable, mixed-use center that has retail, offices, restaurants, limited residential and public space uses that enhance the quality of community life in the Town.

620.1.1 Purpose

620.1.1.1 Promote the walkable, mixed use, downtown-like center that contains retail, office, restaurants, limited residential and public space components that enhance the quality of community life in Town;

620.1.1.2 To ensure high quality site planning, architecture and landscape design that enhances the distinct visual character and identity of Windham.

620.1.1.3 Minimize sprawl, promote pedestrian-friendly design and maintain efficient traffic circulation and safety.

620.1.2 Location

The Market Square Overlay District shall be an "overlay" district applicable to a qualifying parcel (or parcels) located within an area shown on the "Market Square Overlay District" map, dated October 2, 2015, and shall supersede the underlying zoning use and dimensional requirements. However, the provisions outlined in the Cobbetts Pond and Canobie Lake Watershed Overlay Protection District and the Wetlands and Watershed Protection apply.

All development applications which elect to utilize the Market Square Overlay District shall require a minimum of fifty (50) contiguous acres located within the area designated as eligible for utilization of the Overlay District provisions.

620.2 USES PERMITTED: Subject to Site Plan approval as provided by the Windham Site Plan Regulations and Design Review Regulations.

620.2.1 Retail Sales

620.2.2 Hotels & Inns

620.2.3 Restaurants, including outside dining areas

620.2.4 Offices

620.2.5 Personal Service Establishments

620.2.6 Theaters, bowling alleys, skating rinks, clubs, and museums

620.2.7 Telephone exchange buildings, radio stations, television stations, PWSF towers, PWSF mounts and Broadcast Antenna Structures, and other utility structures subject to the provisions of Section 701.3.

620.2.8 Banks and ATMs

620.2.9 Multi-unit housing structures for ownership or lease. Structures shall have at least three (3) and not more than twelve (12) residential units. All such units shall have not more than two (2) bedrooms. The total square footage dedicated to multi-family housing shall not exceed ten (10%) percent of the total occupiable square feet of the development application.

620.2.10 Assisted living facilities and adult day care facilities

620.2.11 Child day care and learning centers

620.2.12 Medical Clinics and offices

620.2.13 Health and fitness clubs

620.2.14 Outside activities and entertainment, such as farmers markets, concerts, festivals, etc. that are temporary in nature and is in accordance with Section 302.4 of the Site Plan Regulations

620.2.15 Accessory buildings and uses

620.3 Mixed Use Requirements

All applications for a development within the Market Square Overlay District will dedicate, as a minimum, the following percentage of the total, occupiable square footage to the following uses:

Retail	15%
Restaurant	15%
Office	7.5%
Residential	5%

620.4 DESIGN CRITERIA

620.4.1 There shall be seventy-five (75') of lot frontage required on a Class V or better road. For the purposes of this subsection, frontage along Interstate 93 shall not be counted;

620.4.2 There shall be no front, side or rear lot line setback requirements except that there shall be a 50-foot setback from the boundary of the overlay district project. The Planning Board shall consult with the Windham Fire Department and the Windham Police Department in determining the proper location, citing and separation of proposed structures so as to ensure that proper emergency access is incorporated into the design of the site;

620.4.3 The Applicant must demonstrate, to the satisfaction of the Planning Board, that there are adequate utilities, parking, water supply, and sewage disposal capacity –

either on-site or available to the site – to safely support the use(s) proposed for the subject site.

620.4.3.1 Where an applicant is proposing or contemplating the use of cooperative agreements, easements, covenants, or other such legal contracts, copies of all such documents shall be submitted to the Planning Board for its review and approval. Any such documents shall also be reviewed by Town Counsel to ensure legal form, ownership, and enforceability

620.4.3.2 All utilities shall be located underground, except where specifically exempted by the Planning Board.

620.4.4 Shared parking facilities and driveways shall be provided and the parking space requirements outlined in the Site Plan Regulations may be reduced where shared parking is designed to maximize complementary uses and it has been demonstrated to the Planning Board that sufficient parking will be available when it is needed;

620.4.5 Public and private roads and driveways within this district should be designed to include traffic calming techniques (e.g. speed reduction measures);

620.4.6 The mixed use of buildings is encouraged – for example retail uses on the first floor, and office uses on the second floor – provided the nature and operation of the uses are sufficiently complementary so as not to conflict.

620.4.7 Open squares or plazas, and pedestrian walkways, shall be provided for each central development area. An open common area for public use shall be a minimum of 10,000 contiguous square feet. The Planning Board shall require pedestrian and bicycle access and circulation as an integral element of the design of any site. Where deemed appropriate, the Planning Board may require the Applicant to provide for the extension of pedestrian/bicycle access ways to the property lines, and the interconnection of access ways with those on adjacent parcels.

620.4.8 No drive-thru facilities are allowed in the Market Square District.

620.4.9 Low impact development design will be utilized, where appropriate.

620.4.10 Signage for the development, including the height and location of wall signs, freestanding signs, and directional signs, shall be reviewed and approved by the Planning Board in accordance with the requirements outlined in the Design Regulations.

620.4.10.1 The provisions of Sections 706.3.2, 706.5, and 706.7 of the Sign Ordinance apply to the Market Square Overlay District

620.4.11 Single Permitted Use Requirements. An application for a development within the Market Square Overlay District will adhere to the following limitations as they relate to single structure footprint and maximum tenant space occupiable square footage

620.4.11.1 Limitations on Single Structure Footprint. No single structure located within the Market Square Overlay District will have a building footprint of more than 60,000 square feet

620.4.11.2 Individual Tenant Space Maximum Occupiable Square Footage. All tenant space construction within the Market Square Overlay District will adhere to the following limitations on total occupiable square footage

620.4.11.2.1 At least 75% of the development's total occupiable square footage will consist of tenant spaces that are each 10,000 occupiable square feet or less

620.4.11.2.2 No more than 25% of the development's total occupiable square footage will consist of tenant spaces that are each between 10,001 and 20,000 occupiable square feet

620.4.11.2.3 Under no circumstances may a single individual tenant space be greater than 20,000 occupiable square feet, other than the exceptions listed in 620.4.11.3

620.4.11.3 Anchor Tenant Maximum Occupiable Square Footage. An application for a development within the Market Square Overlay District may contain single individual tenant spaces that are greater than 20,000 occupiable square feet under the following conditions

620.4.11.3.1 An application containing greater than 200,000 square feet of total occupiable square feet of space may have one (1) single individual tenant space that is greater than 20,000 occupiable square feet, but in no event more than 40,000 occupiable square feet.

620.4.11.3.2 An application containing greater than 350,000 square feet of total occupiable square feet of space may have two (2) single individual tenant spaces that are greater than 20,000 occupiable square feet each, but in no event more than 40,000 occupiable square feet each.

620.4.11.3.3 Under no circumstances will any single individual tenant space within the Market Square Overlay District be greater than 40,000 occupiable square feet.

620.4.11.4 As used in the preceding subsections, the words "tenant space(s)" shall denote an area of a single occupant or single business entity and shall include space which is "owner occupied."

Other Amendments to the Zoning Ordinance that would be required as part of this proposal are listed below. **Bold and Underline** is new language to be added and **~~bold with strikethrough~~** is existing language to be deleted.

301. Establishment of Districts:

For the purposes of this Ordinance, the Town of Windham is divided into the following types of districts:

301.18 Market Square Overlay District

302. Location of Districts:

Said Districts are hereby established as shown, located, defined and bounded on the latest approved map entitled, "Zoning District Map of the Town of Windham, New Hampshire" signed by the Planning Board and filed with the office of the Town Clerk; with the exception of the Wetland and Watershed Protection District, the Flood Plain District, the Aquifer Protection District, the Housing for Older Persons District, the Open Space Residential Overlay District, the Route 28 Access Management Overlay District, the Cobbetts Pond and Canobie Lake Watershed Overlay Protection District, **the Market Square Overlay District** and the Workforce Housing Overlay District which are not defined by boundary lines on said map, but are districts determined by criteria set up under Sections 601, 607, 609, 610, 611, 615, 616. ~~and 619~~ **and 620** respectively; which map, together with all explanatory matter thereon, is hereby incorporated in and made part of this Ordinance.

701. Height Regulations

701.3 PWSF Towers, as defined in RSA 12-K:2(XXIV), PWSF Mounts, as defined in RSA 12-K:2(XX), and Broadcast Antenna Structures, as defined in Section 200 are permitted in the Business Commercial A, Limited Industrial, **Market Square Overlay District**, and Professional, Business, and Technology Zoning Districts subject to the following:

710.3 Height of Fences

710.3.3 Unless otherwise approved through Site Plan Review by the Planning Board, the height of fences in the Commercial Business A, Commercial Business B, Gateway, Neighborhood Business, **Market Square Overlay District**, Professional Business and Technology, Limited Industrial Districts, and any other location where a commercial use legally exists as the primary use, shall be a maximum of eight feet (8') in height, unless the property is a residential use. In the case that the property is used as a residence, the fence must abide by the requirements of 710.3.1.