

7.0 COMMERCIAL DISTRICT

A building or structure may be erected, altered or used, and a lot may be used or occupied for any of the following purposes in accordance with the following provisions. Any change in use or type of activity in an existing structure or any new construction in this district, other than a single family dwelling or a two-family dwelling permitted by Section 5.5 of this ordinance, must have prior approval from the Planning Board under the Site Plan Review regulations. *(Amended March 2003, March 2017)*

7.0.1 Commercial District Location.

The Commercial District encompasses the following areas within the Town of Wilton. *(Amended March 1992, March 2010, March 2014):*

- a. The area on the south side of NH Route 101 between the north and south intersections of 101 and Intervale Road to a depth of 150 feet from the edge of the State right-of-way.
- b. The area on the south side of NH Route 101 in West Wilton as delineated on the Town of Wilton Tax Map C encompassing lots 102, 102-1, 103, 104 and 105. *(Amended March 2002.)*
- c. The area north and south of Frye Mill Road as delineated on the Town of Wilton Tax Map A encompassing lots 23, 24, 28 and 63. *(Amended March 2010)*
- d. Deleted 2014.
- e. Deleted 2014.
- f. The area south of Main Street near the Milford Line as delineated on the Town of Wilton Tax Map K as lot 163.
- g. The area at the intersection of NH Routes 101 and 31 South as delineated on Town of Wilton Tax Map F lots 162, a portion of 163 north of a line drawn from the southeast corner of 164 to the southwest corner of 162 and 164. *(Amended March 2001, March 2010)*

7.0.2 Deleted 2019 (Formerly Section 7.0.2) Downtown Commercial District Location:

~~The District is part of the Commercial District and is subject to the general district requirements except as specifically noted otherwise in the Zoning Ordinance. Specifically, the Downtown Commercial District encompasses the following areas within the Town of Wilton (Amended March 2014):~~

- ~~a. The area in the western section of downtown Wilton located north and south of Forest Road as delineated on the Town of Wilton Tax Map J encompassing lots 79, 90, 90-1A, 90-1B, 91, 99, 100 and 101. (Former 7.0.1.d. Amended March, 2014).~~
- ~~b. The area in Downtown Wilton north and south of Main Street as delineated on the Town of Wilton Tax Map J encompassing lots 43, 44, 45, 46, 47, 48, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 60-1, 61, 62, 63, 64; and Tax Map K encompassing lots 63, 64, 64-1, 65, 85, 103, 104, 170, 171, 172, 173, portions of lot 66 south of a line drawn between the southeast corner of 67 and the northwest corner of 76, and portions of 166 west of a line drawn~~

~~between due south from the southeast corner of 103 to the river. (Amended March 2006,
March 2010)(Former 7.0.1.e. Amended March, 2014)~~

7.1 Permitted Uses.

The following uses shall be permitted in the Commercial District:

- a. Any use permitted in the General Residence and Agricultural District under the same provisions as apply to the use in that district, including density, except that the lot dimensional requirements shall be as specified in this section; (*Amended March, 2007*)
- b. Duplex and multi-family dwellings, inns, tourist courts, cabins and bed and breakfasts, including such retail businesses within these permitted buildings as are conducted for the convenience of the residents or guests;
- c. ~~Restaurants and other retail establishments;~~ **Retail Services: Establishments engaged in selling goods or merchandise to the general public for personal or household consumption and rendering services incidental to the sale of such goods, including retail stores, restaurants, taverns and banks. Also, establishments primarily engaged in providing services involving the care of a person or his or her apparel (such as barbershops and beauty salons, spas, tailors and dry cleaners);**
- d. **Parking garages**, parking lots ~~and~~ filling stations, **and automotive service stations;**
- e. Business and professional offices;
- f. ~~Theaters, halls, clubs and amusement centers;~~ **Community buildings, social halls, clubs, lodges, fraternal organizations, theaters, recreation facilities, and amusement centers;**
- g. Greenhouses and florist shops: **An establishment where retail and wholesale garden products and produce are sold to the consumer. The establishment imports most of the items sold, but may include a nursery and/or greenhouse, and may include plants, nursery products and stock, potting soil, hardware, other garden and farm variety tools and outdoor furniture;**
- h. Funeral homes;
- i. Wholesale establishments in connection with permitted retail establishments, warehousing or merchandise for retail sale within the District;
- j. Houses of worship including, but not limited to, churches, synagogues, parish houses, mosques, convents, and other accessory uses; (*March 2010, March 2018*)
- k. Hospitals, emergency medical centers and clinics; (*March 2010*)
- l. Schools, kindergartens, preschools, and daycare centers, including in-home childcare; (*March 2010*)
- m. **Medical offices, which provide health services to people on an outpatient basis including doctors, dentists, physical therapists, massage therapist and chiropractors;**

- n. **Veterinary clinics which may include facilities for overnight boarding or caring of animals provided that any such facility shall be designed, constructed and operated in such a manner so as not to be a nuisance to adjacent uses by way of noise or odor;**
- o. **Libraries, museums;**
- p. **Adult day care facilities: Any person, corporation, partnership, voluntary association, or other organization, either established for profit or otherwise, which provides for the daily care and supervision of an adult person away from the person's home and which requires licensing by the State of NH;**
- q. **Nanobreweries as defined in NH RSA 178:12-a, Brewpubs as defined in NH RSA 178:13, Wine retail outlets and tasting rooms pursuant to NH RSA 178:8, and Liquor manufacturers pursuant to NH RSA 178:6;**
- r. **Light Manufacturing: Includes all manufacturing and assembly, packaging, finishing or treating of products carried on completely within a structure, and involving no permanent outside storage of equipment or materials. Light Industry shall not be interpreted to include any industry, the operations of which would cause danger of fire or explosion or which shall result in significant objectionable vibration, noise, smoke, fumes, odor, dust, gas fumes, chemicals, radiation or other waste materials which would constitute a nuisance, nor which would adversely affect other private or public properties; and**
- s. **Mixed Uses: The development of a tract of land or building or structure with two or more different permitted uses such as but not limited to residential, office, retail, public, or entertainment in a compact urban form.** Individual uses within a mixed use property must conform to any requirement within their particular class of use.

7.2 Lot Requirements.

7.2.1 Frontage. Frontage shall be as follows:

- a. Two hundred (200) feet on a public right-of-way, Class V or better;
- b. Deleted 2019. ~~Twenty-five (25) feet on Main Street. (Amended March, 2014)~~

7.2.2 Setbacks. Setbacks shall be as follows:

- a. Front setback - thirty-five (35) feet;
- b. Side setback - twenty-five (25) feet;
- c. Rear setback - twenty (20) feet;
- d. Deleted 2019 ~~Setbacks on Main Street at a depth to conform with existing neighboring buildings. (Amended March, 1991, March, 2014)~~

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ZONING ORDINANCE**

The entirety of Sec. 7A
Downtown Commercial
District is proposed;
additional amendments from
1/2/2019 hearing in green

- e. No buildings or parking areas are permitted in the front setback or in any setback which abuts a residentially or residential/ agriculturally zoned parcel; (Amended, March 1991.)
- f. Parking areas are permitted up to within ten (10) feet of the side or rear lot line of a commercially zoned parcel where it abuts another commercially or industrially zoned parcel; and (Amended March 1991.)
- g. Parking areas shared between two adjacent commercially or industrially zoned parcels may be developed up to the common side or rear lot-line if all other conditions of the district are met. (Amended March 1991.)

7.2.3 Percentage of Lot Coverage. A maximum of seventy-five percent (75%) of the gross area of any lot shall be occupied by buildings, parking and roadways. Commercial buildings, structures and parking areas in existence as of March 13, 1990 that exceed the permitted lot coverage within the district may be maintained at or rebuilt to the existing level. Any increase in impervious area will not be permitted. (Amended March 1992.)

7.2.4 Access. Access to lots within the commercial district shall be as follows:

- a. Any lot with frontage on NH Route 101 shall be accessed by any other street or side road that is available and only by NH Route 101 if no other alternative exists. If no other access is available, entrance and exit for the lot(s) is limited to one (1) curb cut on NH Route 101 for each lot-of-record existing as of March 11, 1986. If access to a lot is available to a street or side road other than NH Route 101, access to the lot shall be taken from the street or side road.
- b. As each lot within this district is developed, provisions shall be made during the site plan review process for the lay-out and construction of streets or side roads as the Planning Board shall determine necessary to permit travel between adjacent lots without accessing NH Route 101. To encourage shared lot access, where at all possible and practical, the location of all accessory street or roadway curb cuts shall be situated to allow adjacent lots to also take advantage of or share the same point of access along the street or roadway.
- c. Access to any Town road or State highway shall require Town or State permit approval.

7A.0 DOWNTOWN COMMERCIAL DISTRICT

The purpose of this district is to concentrate development, allow and encourage a vibrant mix of land uses, encourage infill development, preserve the historic character of the downtown, and provide a pedestrian-friendly environment.

7A.1 Downtown Commercial District Location.

The Downtown Commercial District encompasses the following areas within the Town of Wilton:

- a. The area in the western section of downtown Wilton located north and south of Forest Road as delineated on the Town of Wilton Tax Map J encompassing lots 79, 90, 90-1A, 90-1B, 91, 99, 100 and 101.
- b. The area in Downtown Wilton north and south of Main Street as delineated on the Town of Wilton Tax Map J encompassing lots 43, 44, 45, 46, 47, 48, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 60-1, 61, 62, 63, 64; and Tax Map K encompassing lots 63, 64, 64-1, 65, 85, 103, 104, 170, 171, 172, 173, portions of lot 66 south of a line drawn between the southeast corner of 67 and the northwest corner of 76, and portions of 166 west of a line drawn between due south from the southeast corner of 103 to the river.

7A.1.1 Main Street Overlay District Location. The Main Street Overlay District encompasses the following areas within the Town of Wilton, which are subject to all provisions in the Downtown Commercial District, except where noted otherwise:

- a. The area in Downtown Wilton north and south of Main Street from the intersection of Forest Road to the intersection of Park and Howard Streets as delineated on the Town of Wilton Tax Map J encompassing lots 43, 44, 45, 46, 47, 48, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 60-1, 61, 62, 63, 64; and Tax Map K encompassing lot 173.

7A.2 General Provisions.

A building or structure may be erected, altered or used, and a lot may be used or occupied for any of the following purposes in accordance with the following provisions.

7A.3 Permitted Uses.

The following uses shall be permitted in the Downtown Commercial District:

7A.3.1 Residential Uses.

- a. Any use permitted in the Residential District (except where prohibited under Sec. 7A.6.b), under the same provisions as apply to the use in that district, except that the lot dimensional requirements shall be as specified in this section.

7A.3.2 Commercial Uses.

- a. Bed and breakfasts, including such retail businesses within these permitted buildings as are conducted for the convenience of the residents or guests;
- b. Retail Services: Establishments engaged in selling goods or merchandise to the general public for personal or household consumption and rendering services incidental to the sale of such goods, including retail stores, restaurants, taverns and banks. Also, establishments primarily engaged in providing services involving the care of a person or his or her apparel (such as barbershops and beauty salons, spas, tailors and dry cleaners);
- c. **Parking garages and parking lots;**
- d. Business and professional offices;
- e. Community buildings, social halls, clubs, lodges, fraternal organizations, theaters, recreation facilities, and amusement centers;
- f. Greenhouses and florist shops: An establishment where retail and wholesale garden products and produce are sold to the consumer. The establishment imports most of the items sold, but may include a nursery and/or greenhouse, and may include plants, nursery products and stock, potting soil, hardware, other garden and farm variety tools and outdoor furniture;
- g. Houses of worship including, but not limited to, churches, synagogues, parish houses, mosques, convents, and other accessory uses;
- h. **Hospitals, emergency medical centers and clinics;**
- i. Preschools, and daycare centers, including in-home childcare;
- j. Medical offices, which provide health services to people on an outpatient basis including doctors, dentists, physical therapists, massage therapist and chiropractors
- k. Veterinary clinics which may include facilities for overnight boarding or caring of animals provided that any such facility shall be designed, constructed and operated in such a manner so as not to be a nuisance to adjacent uses by way of noise or odor;
- l. Libraries, museums;
- m. Adult day care facilities: Any person, corporation, partnership, voluntary association, or other organization, either established for profit or otherwise, which provides for the daily care and supervision of an adult person away from the person's home and which requires licensing by the State of NH; **and**
- n. Nanobreweries as defined in NH RSA 178:12-a, Brewpubs as defined in NH RSA 178:13, Wine retail outlets and tasting rooms pursuant to NH RSA 178:8, and Liquor manufacturers pursuant to NH RSA 178:6;

7A.3.3 Industrial Uses.

- a. Light Manufacturing: Includes all manufacturing and assembly, packaging, finishing or treating of products carried on completely within a structure, and involving no **permanent**

outside storage of equipment or materials. Light Industry shall not be interpreted to include any industry, the operations of which would cause danger of fire or explosion or which shall result in significant objectionable vibration, noise, smoke, fumes, odor, dust, gas fumes, chemicals, radiation or other waste materials which would constitute a nuisance, nor which would adversely affect other private or public properties;

7A.3.4 Mixed Uses.

- a. Mixed Uses: The development of a tract of land or building or structure with two or more different permitted uses such as but not limited to residential, office, retail, public, or entertainment, ~~in a compact urban form.~~ Individual uses within a mixed use property must conform to any requirement within their particular class of use.

7A.4 Site Plan Review Required.

Any change or expansion in use in an existing structure or any new construction in this district must have prior approval from the Planning Board under the Site Plan Review regulations, with the following exceptions:

7A.4.1 Residential Uses. Site Plan Review is not required for single family dwellings or for two-family dwellings permitted by Section 5.5 of this ordinance.

7A.4.2 Change to a Permitted Commercial Use. Site Plan Review is not required for a change from any use to a commercial use listed in section 7A.3.2, provided that there is an existing approved site plan for the property and the change does not result in any exterior changes on the property.

7A.5 Lot Requirements.

7A.5.1 Frontage. Frontage shall be as follows:

- a. Twenty-five (25) feet.

7A.5.2 Setbacks. Setbacks shall be as follows:

- a. Front setback – twenty-five (25) feet;
- b. Side setback – fifteen (15) feet;
- c. Rear setback – fifteen (15) feet;
- d. Setbacks on lots located within the Main Street Overlay District - at a depth to conform with existing neighboring buildings;
- e. No buildings or parking areas are permitted in the front setback or in any setback which abuts a residentially or residential/ agriculturally zoned parcel;

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- f. Parking areas are permitted up to within ten (10) feet of the side or rear lot line of a commercially zoned parcel where it abuts another commercially or industrially zoned parcel; and
- g. Parking areas shared between two adjacent commercially or industrially zoned parcels may be developed up to the common side or rear lot-line if all other conditions of the district are met.

7A.5.3 Percentage of Lot Coverage. There is no maximum building coverage (subject to any setback requirements), except that the site must be designed to dispose of all runoff and drainage without impacting other properties.

7A.5.4 Access. Access to lots within the downtown commercial district shall be as follows:

- a. Access to any Town road or State highway shall require Town or State permit approval.

7A.5.5 Parking. Parking requirements shall be as follows:

- a. All non-residential uses listed in sections 7A.3.2, 7A.3.3, and 7A.3.4 are exempt from the provision of off-street parking facilities standards established in the Site Plan Review Regulations; and
- b. Any residential use listed in section 7A.3.1 is required to have on-site or fee ownership parking with at least one parking space per bedroom.

7A.6 Prohibited Uses.

- a. Filling Stations and Automotive Service Stations;
- b. Residential uses on the ground floor fronting Main Street for lots located within the Main Street Overlay District;
- c. Schools and kindergartens;
- d. Funeral homes;
- e. Wholesale establishments in connection with permitted retail establishments, warehousing or merchandise for retail sale within the District; and
- f. Inns, tourist courts, and cabins.

16.3 Commercial and Industrial District.

This section governs signs in the Commercial District and Industrial District ~~except for the Downtown Wilton area as defined in Section 8.0.1-d and e.~~ (Amended March 2016)

16.3.1 Permitted Signs.

16.3.1.1 Number. One (1) sign or structure per parcel relating only to the permitted use or uses conducted in the building or on the immediate premises thereof. (Amended March 2016)

16.3.1.2 Size. Maximum of one hundred (100) square feet in area per face and a maximum of two faces may be used.

16.3.1.3 Location and Height. The top of any sign shall not exceed sixteen (16) feet above existing ground level. No building sign shall extend above the roof eaves or the rake on the gable end. No sign (except building mounted) shall be placed within fifteen (15) feet of lot lines. All signs or structures must be placed in such a manner that does not obstruct free and clear vision of automobiles or pedestrian traffic. (Amended March 2003, March 2016.)

16.3.1.4 Lighting. Signs may be illuminated but the lighting shall be confined to the area of the sign and arranged to avoid glare or reflection onto any portion of an adjacent highway, into the path of on-coming vehicles or onto any residential premises, and shall not significantly contribute to light pollution.

16.3.1.5 (Repealed March 2001.)

16.3.1.6 Multi-tenant Buildings. A multi-tenant building may have one free-standing sign of up to one hundred (100) square feet. In addition, each individual tenant may have one (1) sign attached to the building with a maximum area of four (4) square feet for the purpose of identifying the type and location of the business or service.

16.3.1.7 Company Symbols and Trademarks. Company symbols and trademarks shall be considered as signs and must meet all of the above requirements.

16.3.1.8 Industrial Parks. As a part of the subdivision of land for an industrial park, the Planning Board may require one (1) directory sign identifying the names and locations of the individual businesses within the park to be located near the entrance of the park. The Directory sign should show the locations of the individual businesses within the park. The sign shall have a maximum area of thirty-two square feet. (Amended March 2016)

16.3.2 (Repealed March 2001.)

16.4 Office Park District.

16.4.1.1 Park Development Sign. One (1) park development sign, for informational purposes only, carrying the park name at the park entrance. The sign shall have a maximum area of one hundred (100) square feet with a maximum height of sixteen (16) feet above the entrance road.
a. One (1) sign shall be located near the entrance of the park and have a maximum area of thirty-two (32) square feet. (Amended March 2016)

- b. Two (2) additional signs with a Maximum size of two (2) square feet, may be located at driveway intersections. *(Amended March 2016)*
- 16.4.1.2 Directory Sign. One (1) directory sign identifying the names and locations of the individual businesses within the park shall be located near the entrance of the park. The Directory sign should show the locations of the individual businesses within the park. The sign shall have a maximum area of thirty-two (32) square feet.
- 16.4.1.3 Small directional signs. Maximum size of two (2) square feet, may be located at driveway intersections.
- 16.4.1.4 Lighting. Signs may be illuminated but the lighting shall be confined to the area of the sign and arranged to avoid glare or reflection onto any portion of an adjacent highway, into the path of on-coming vehicles or onto any residential premises, and shall not significantly contribute to light pollution.
- 16.4.2 Prohibited Signs.
- a. Neon signs.
- b. Mobile or temporary signs.
- 16.4.3 Company Symbols and Trademarks.
- Company symbols and trademarks shall be considered as signs and must meet all of the above restrictions.

16.5 Downtown Commercial District.

- The following regulations apply to signs located in the Downtown Wilton area as defined in Section ~~7A.1 8.0.1 d and e~~. *(Amended March 2016)*
- 16.5.1 Permitted Signs.
- 16.5.1.1 Number. One (1) more than the number of businesses located on a parcel or four (4), whichever is less, relating only to the permitted use or uses conducted in the building or on the immediate premises thereof. Only one (1) free standing sign is permitted per parcel.
- 16.5.1.2 Free Standing Signs. Any sign supported by structures or supports that are anchored into the ground and that are independent from any building or other structure.
- 16.5.1.2.1 Size. Maximum of forty (40) square feet in area per face and a maximum of two faces may be used.
- 16.5.1.2.2 Location and Height. The top of any sign shall not exceed fourteen (14) feet above existing ground level. No sign (except building mounted) shall be placed within ten (10) feet of the roadway right of way or lot lines. All signs or structures must be placed in such a manner that does not obstruct free and clear vision of automobiles or pedestrian traffic. *(Amended March 2016)*