



Proposed Amendments to the Highway Commercial District

2025

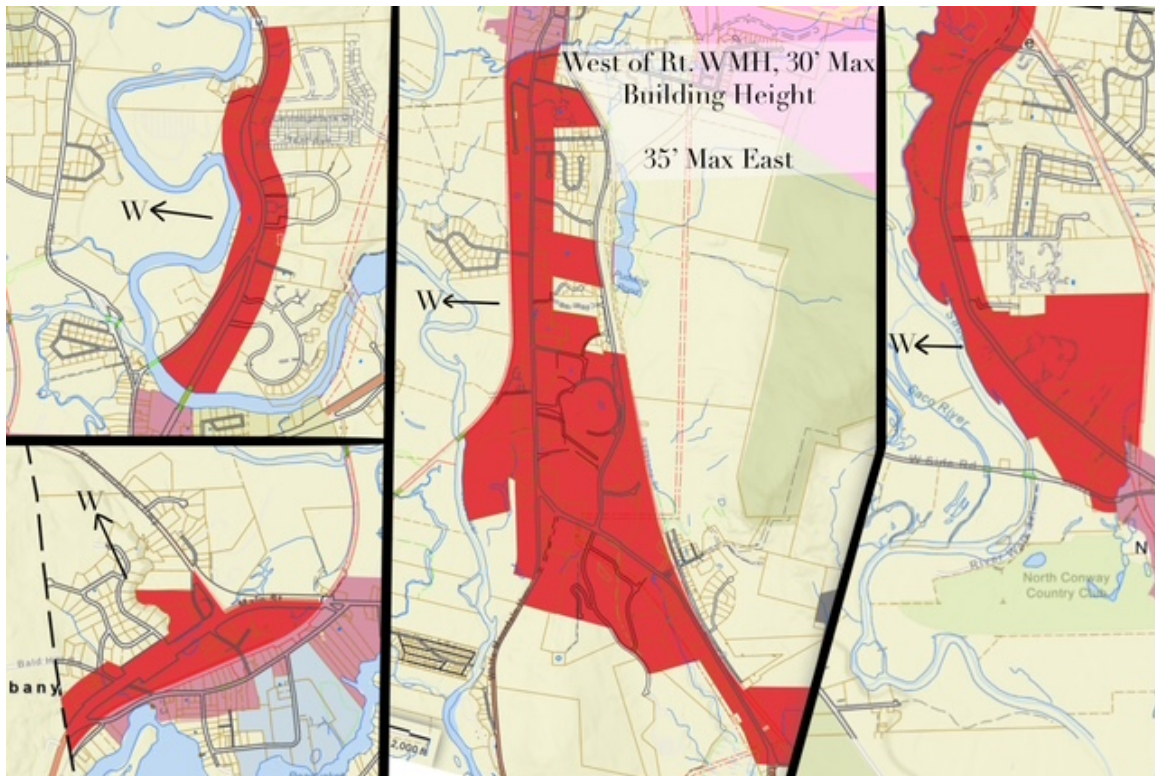
The purpose of the proposed changes to the Highway Commercial District are to ensure future development is constructed at a scale which better aligns with our existing neighborhood, to protect the watershed, promote housing, and protect against over development.

The changes to the corridor attempt to follow through with the vision of the Masterplan while still allowing for flexibility for small business growth. The new language also encourages the redevelopment of existing structures, rather than constructing on vacant land. The Planning Board has worked to create regulations which are not limiting to future growth but promote development which is at a scale which meets the goals of the community.

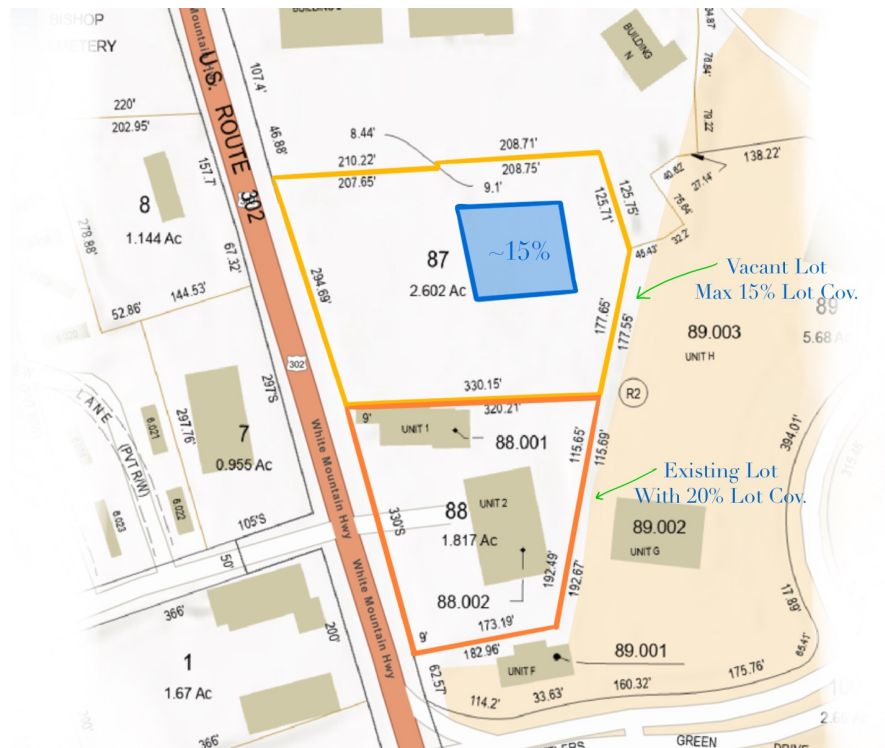
The proposal includes the following changes:

1. The Ordinance allows for the creation of “Infill Development” parcels:
 - a. Infill Development allows a minimum lot size of 10,000 square feet when the parcel is on municipal water and sewer. The purpose is to encourage the redevelopment of large commercial parcels while utilizing shared parking and existing infrastructure. These lots would be allowed on collector roads (not on main roads such as rt. 16) and would need to be adjacent to an existing commercial use;
 - b. Currently the minimum lot size is 1/2 acre (21,780 square feet). Infill development would encourage smaller structures to be built to break-up the scale of new development;
 - c. This is meant to create parcels where smaller retailers and mixed-use development may be feasible;
 - d. Infill Development is defined as: The use of land in established commercial areas for the purpose of redevelopment. Parcels must have frontage on a Collector, Local, or Private Road and abut one or more commercial use(s). Infill development encourages the redevelopment of large commercial parcels and allows for the use of shared parking and infrastructure.
2. Building height is proposed to be limited to 30 feet on the Western side of White Mountain Highway. The current height limitation is 35 feet.

(Visual representations for both amendments are on the following page)



3. The total amount of building footprint area (referred to as Structural Lot Coverage) is limited to 15% of the total lot area:
 - a. The regulation limits the total area of a lot that a building or buildings could cover. For example; a 2-acre parcel (87,120 square feet) would be permitted 13,068 square feet of buildable area. This applies only to the footprint of a buildings and not parking areas or other impervious areas. Other provisions in regulations specifying the requirements for buildable area may also be applicable.
 - b. As a reference; in North Conway, the approximate structural lot coverage of:
 - i. Chipotle and Aspen Dental building is 8%
 - ii. L.L. Bean is 14%
 - iii. Hilton Garden is 16% lot coverage
 - c. The Planning Boards goal is to ensure structures are scaled based on the size of the lot they are proposed on. This is intended to reduce the “massing” of new buildings and to encourage development at a similar scale to what already exists;
 - d. This regulation effects “New Development” meaning; building on vacant land or adding 10% or more impervious coverage to what exists on previously developed land;
 - e. Greater structural lot coverage may be achieved, as defined below, by Conditional Use Permit.



4. The Ordinance allows the Planning Board to approve certain lot uses and designs by Conditional Use Permit:
 - a. A Conditional Use Permit allows additional criteria to be established for specific uses or site conditions. When the criteria is met, the Planning Board may allow that use to proceed when reviewed as part of the typical application process.
 - b. These types of permits are established when a use or site condition may have a greater impact than a typical permitted use. One of the goals of zoning is to ensure development does not burden existing property rights and to protect against overdevelopment. The criteria established with this type of permit are intended to create guidelines to ensure specific uses do alter the character of existing neighborhoods.
 - c. Conditional Use Permits would allow land owners to apply for the following:
 - i. Utilize an existing building for Adaptive Reuse:
 1. This provision would allow structures built prior to 1978 or structures vacant for 10 years or more to be redeveloped to have a greater amount of residential dwelling units than typically permitted
 2. Structures with a footprint of 10,000 square feet or less would not be subject to density limitations based on lot size. The ordinance would allow for any amount of long-term residential units to be constructed within the existing structure as long as the units are at least 450 square feet and meet the design criteria and restrictions of the ordinance.
 - ii. Create a development with up to 14-Units Per Acre:
 1. Currently the ordinance permits up to 12 units per acre when approved by Special Exception. The proposed language would allow up to 14 units per acre permitted by Conditional Use Permit, approved by the Planning Board. 75% of the units would need to be restricted for long-term residency (greater than 30 days).
 - iii. Increase Structural Lot Coverage beyond 15%:
 1. The amendments limit total structure footprint area on a parcel to 15% of the total acreage (as noted above by amendment 2 within this document). By including one or more of the following site design elements, land owners may construct additional footprint area;
 - a. Mixed-Use – Constructing long-term residential units along with commercial units could allow up to an additional lot coverage of 2.5% per residential unit,

- b. Access to Controlled Intersection – When a development exits to an intersection which adequately controls traffic flow without placing a burden on the community, such as a traffic light or roundabout, an additional lot coverage of 10% may be permitted;
 - c. Shared Parking – When developments utilize shared parking for 25% or greater of their parking demand, an additional lot coverage of 5% may be permitted;
 - d. Pedestrian Oriented Development – Construction which is oriented to pedestrian infrastructure and limits impervious coverage, may be granted an additional lot coverage of 10%;
 - e. Stormwater – Developments meeting the stormwater treatment standards as required near wetlands and waterbodies, an additional lot coverage of 5% may be permitted;
 - f. Nonconformities – When property owners elect to bring any lot features which do not meet current regulations, closer to meeting current standards, an additional lot coverage of 10% may be granted;
 - g. Transfer of Development Rights – The Ordinance also permits credits to be purchased to obtain additional structural lot coverage. The provision sets a fee per square foot of land area a developer is looking to obtain. The fee would be utilized by the Conservation Commission to preserve and restore areas effecting the Saco & Swift River watershed;
5. Proposed amendments also include provisions for development which may be considered a significant use of the property. This language is intended to ensure larger structures and more intensive uses are still constructed to maintain continuity and character of the community. The language includes:
- a. Individual structures which exceed 18,000 square feet would be required to be setback 100' setback from any public arterial road. The setback would also apply to individual structures exceeding 12,000 square feet North of North Conway Village;
 - b. When Multiple Principal Uses are planned for a site, provisions are proposed to ensure the uses are compatible and sufficiently buffered from residential properties;
 - c. Charitable Gaming Facilities would be permitted on parcels 4 acres or greater and setback 1,000 feet from residential, schools, public land, or religious uses. The gaming floor would also be limited to 1,000 square feet;

- d. Drive-thru establishments are encouraged to minimize parking and must demonstrate that traffic flow, to include stacking of vehicles waiting for service, can be adequately managed on-site;
6. The proposal also amends the standards for:
- a. Mixed Use Development – Which aim to ensure residential units can function with commercial development and to ensure those who live there maintain a high quality of life.
 - b. Accessory Dwelling Units – The changes remove the affordability requirements currently in place for a second ADU, accessory to a Single-Family home, and a single ADU, accessory to a duplex. The proposal aims to make the construction of these additional units more feasible. All units would maintain the condition that they be utilized as long-term residential units.

§ 190-20. Highway Commercial (HC) District.

The HC District is primarily designed to accommodate a compatible mixture of uses that complement commercial and residential uses typically associated with transportation corridors, large traffic flows and convenient access. The areas of this district that are serviced by municipal water and sewer can accommodate development at higher densities. Uses permitted in this district are represented in the Permitted Use Table included as an attachment to this chapter.

A. District boundaries. The HC District shall have the following bounds:

(1) Conway Village Area South of the Saco River.

(a) The HC District in the Conway Village area south of the Saco River shall have the following bounds (Map and Parcel numbers refer to 2003 Town of Conway Tax Maps):

Commencing at the point of intersection of the center lines of Route 16 and Map 277, Parcel 322 (Conway Scenic Railroad); thence southwesterly along the center line of Map 277, Parcel 322 (Conway Scenic Railroad) to the Albany Town Line;

thence northerly along the Albany Town Line to a point 400 feet northwesterly of the center line of Route 16; thence northeasterly parallel with and 400 feet from the center line of Route 16 to the eastern boundary of Map 277, Parcel 265; thence southeasterly along the eastern boundary of Map 277, Parcel 265 to the northern boundary of the Route 16 ROW; thence northeasterly along the northern boundary of the Route 16 ROW and continuing on the same bearing to the western boundary of Map 277, Parcel 271;

thence northerly along the western boundary of Map 277, Parcel 271 and Map 264, Parcel 23 to the northwest corner of Map 264, Parcel 23; thence easterly along the northern boundary of Map 264, Parcel 23 and continuing on the same bearing to the center line of Towle Road; thence northerly along the center line of Towle Road to the center line of Route 112 (Kancamagus Highway); thence southerly along the center line of Route 112 (Kancamagus Highway) to the center line of Route 16, and thence easterly along the center line of Route 16 to the point of commencement.

(b) District map. The HC District Map, consisting of areas south of the Saco River, is included as an attachment to this chapter.

(2) Conway Village area north of the Saco River.

(a) The HC District in the Conway Village area north of the Saco River shall have the following bounds (Map and Parcel numbers refer to 2003 Town of Conway Tax Maps):

Commencing at a point on the center line of Route 16 adjacent to the northwest corner of Map 262, Parcel 72; thence easterly through the northwest corner of Map 262, Parcel 72, along the northern boundary of Map 262, Parcel 72 and continuing on the same bearing to a point 400 feet from the center line of Route 16; thence southerly parallel with and 400 feet from the center line of Route 16 to the northern

shore of the Saco River; thence westerly along the northern shore of the Saco River to the center line of East Side Road;

thence northerly along the center line of East Side Road to a point 400 feet northwest of the center line of Route 16; thence northerly parallel with and 400 feet from the center line of Route 16 to the southern boundary of Map 262, Parcel 64.01; thence easterly along the southern boundary of Map 262, Parcel 64.01 to the southern boundary of Map 262, Parcel 65; thence easterly along the southern boundary of Map 262, Parcel 65 and continuing on the same bearing to the center line of Route 16, and thence northerly along the center line of Route 16 to the point of commencement.

- (b) District map. The HC District Map, consisting of areas north of the Saco River, is included as an attachment to this chapter.
- (3) North Conway area south of North Conway Village. **[Amended 4-14-2015 ATM by Art. 5; 4-12-2016 ATM by Art. 7]**

- (a) The HC District in the North Conway area south of North Conway Village shall have the following bounds (Map and Parcel numbers refer to 2003 Town of Conway Tax Maps as amended):

Commencing at the point on the thread of Kearsarge Brook 500 feet easterly of the center line of Route 16; thence southerly parallel with and 500 feet from the center line of Route 16 to the center line of Locust Lane; thence easterly along the center line of Locust Lane and continuing on the same bearing to the center line of the North-South Road; thence southerly along the center line of the North-South Road to a point adjacent to the southeast corner of Map 230, Parcel 51;

thence westerly through the southeast corner of Map 230, Parcel 51 and continuing along the southern boundary of Map 230, Parcel 51 to a point 500 feet from the center line of Route 16; thence southerly parallel with and 500 feet from the center line of Route 16 to the northern boundary of Map 235, Parcel 35; thence easterly along the northern boundary of Map 235, Parcel 35 to the center line of the North-South Road; thence southerly along the center line of the North-South Road to a point adjacent to the southeast corner of Map 235, Parcel 35; thence westerly through the southeast corner of Map 235, Parcel 35 and continuing along the southern boundary of Map 235, Parcel 35 to a point 500 feet from the center line of Route 16;

thence southerly parallel with and 500 feet from the center line of Route 16 to the northerly boundary of Map 235, Parcel 78; thence easterly along the northerly boundary of Map 235, Parcel 78 to its easterly boundary, common with the westerly boundary of Map 235, Parcel 70; thence southerly along the easterly boundary of Map 235, Parcel 78 and continuing to the southerly boundary of the Puddin' Pond Drive ROW; thence in a general westerly, then southerly direction along the southerly boundary of the Puddin' Pond Drive ROW to the northwest corner of Map 235, Parcel 82; thence easterly along the northern boundary of Map 235, Parcel 82 to the northeast corner of Map 235, Parcel 82, and following the

same bearing to the center line of Map 219, Parcel 211 (former Maine Central Railroad); thence southerly along the center line of Map 219, Parcel 211 (former Maine Central Railroad) to a point adjacent to the southwest corner of Map 252, Parcel 31;

thence northeasterly through the southwest corner of Map 252, Parcel 31 to the southwest corner of Map 252, Parcel 42; thence traversing Map 252, Parcel 42 easterly in a straight line to the northwest corner of Map 252, Parcel 47; thence southerly along the western boundary of Map 252, Parcel 47 and continuing on the same bearing to the center line of Map 219, Parcel 211 (former Maine Central Railroad); thence southeasterly along the center line of Map 219, Parcel 211 (former Maine Central Railroad) to the center line of East Conway Road; thence westerly along the center line of East Conway Road and continuing on the same bearing to a point on the western boundary of Map 252, Parcel 2

thence northerly along the western boundary of Map 252, Parcel 2 to the southerly corner of Map 252, Parcel 62; thence northerly along the eastern boundary of Map 252, Parcel 62 to a point at the westerly corner of Map 252, Parcel 19 and the southerly corner of Map 252, Parcel 20; thence running on a straight line southwesterly traversing Map 252, Parcel 62 to the northeasterly corner of Map 252, Parcel 60; thence along the northwestern boundary of Map 252, Parcel 60 to the centerline of Eagles Way; thence northwesterly along the centerline of Eagles' Way to a point where an extension of the southern boundary line of Map 246, Parcel 17 intersects with the centerline of Eagles Way;

thence westerly in a straight line to the southeast corner of Map 246, Parcel 17; thence westerly along the southern boundary line of Map 246, Parcel 17 and continuing on the same bearing to the center line of Route 16; thence northerly along the center line of Route 16 to the intersection of the center line of Shaws Way;

thence west to a point 500 feet from the center line of Route 16; thence northerly parallel with and 500 feet from the center line of Route 16 to the southwestern boundary of Map 246, Parcel 20.001; thence northwesterly along the southwestern boundary of Map 246, Parcel 20.001 to the western boundary of Map 246, Parcel 22; thence northwesterly, southerly and westerly along the boundary of Map 246, Parcel 22 to the eastern shore of the Saco River; thence northerly along eastern shore of the Saco River to the center line of Map 218, Parcel 35 (Conway Scenic Railroad); thence northerly along the center line of Map 218, Parcel 35 (Conway Scenic Railroad) to the thread of Kearsarge Brook, and thence easterly along the thread of Kearsarge Brook to the point of commencement.

- (b) District map. The HC District Map, consisting of areas south of North Conway, is included as an attachment to this chapter.
- (4) North Conway area north of North Conway Village.
- (a) The HC District in the North Conway area north of North Conway Village shall have the following bounds (Map and Parcel numbers refer to 2003 Town of

Conway Tax Maps):

Commencing at the intersection of the center line of Route 16 and the Bartlett Town Line; thence easterly along the Bartlett Town Line to a point 300 feet from the center line of Route 16; thence southerly parallel with and 300 feet from the center line of Route 16 to the northern boundary of Map 215, Parcel 58; thence easterly along the northern boundary of Map 215, Parcel 58 and the southern boundary of Map 215, Parcel 51 to the southeast corner of Map 215, Parcel 51; thence northerly to the northeast corner of Map 215, Parcel 51;

thence easterly along the northern boundary of Map 215, Parcel 61 to the center line of Map 215, Parcel 81 (Conway Scenic Railroad); thence southerly along the center line of Map 215, Parcel 81 (Conway Scenic Railroad) to a point 300 feet from the center line of Route 16; thence northerly parallel with and 300 feet from the center line of Route 16 to the thread of Randall Brook; thence southerly along the thread of Randall Brook to the center line of River Road; thence southerly in a straight line to the northwest corner of Map 218, Parcel 52; thence southerly along the western boundary of Map 218, Parcel 52 to a point 200 feet from the center line of River Road;

thence westerly parallel with and 200 feet from the center line of River Road to the western boundary line of Map 218, Parcel 53; thence northerly along the western boundary line of Map 218, Parcel 53 and continuing on the same bearing to the center line of River Road; thence westerly along the center line of River Road to a point adjacent to the southeast corner of Map 215, Parcel 8; thence northerly in a straight line to the southeast corner of Map 215, Parcel 8;

thence northerly along the eastern boundary of Map 215, Parcel 8 to the southern boundary of Map 215, Parcel 33; thence westerly along the southern boundary of Map 215, Parcel 33 to the eastern shore of the Saco River; thence northerly along the eastern shore of the Saco River to the thread of Foster Brook; thence northerly along the thread of Foster Brook to the thread of Trout Brook; thence northerly along the thread of Trout Brook to the Bartlett Town Line, and thence easterly along the Bartlett Town Line to the point of commencement.

- (b) District map. The HC District Map, consisting of areas north of North Conway Village, is included as an attachment to this chapter.

B. Lot size and density.

- (1) Lots serviced by a municipal water system and municipal sewerage system shall have at least 1/2 acre for the first unit that may be located thereon and at least 10,000 square feet for each additional unit on the same lot.
- (2) Lots serviced by a municipal water system shall have at least 1/2 acre for each unit that may be located thereon.
- (3) [Lots serviced by a municipal water system and a municipal sewerage system which qualify as infill development shall have at least 10,000 square feet per unit.](#)
- (4) The minimum lot size for keeping domestic farm animals shall be one acre.
- (5) All other lots shall have at least one acre for each unit that may be located thereon.

- C. Structure Lot Coverage shall not exceed 15 percent of total buildable area for new development. Parcels designated for the primary use of non-transient residential occupancy or infill development are not subject to structure lot coverage limitations.
- D. Frontage. All lots must front on a state or Town highway with a Class I, II, III, IV or V classification, a private road constructed to Town standards as required by the Planning Board or a Class VI road proposed to be improved as stipulated by the Planning Board. To qualify as frontage, the lot must have access rights to the subject highway or road. The minimum distance for frontage on a road shall be:
- (1) One hundred fifty feet.
 - (2) One hundred feet for lots which front entirely on cul-de-sacs which meet the design requirements set forth in Chapter 130, Subdivision of Land, Article X, Detail #4, or lots qualifying as infill development.
- E. Setbacks. The minimum front setback shall be 25 feet from a platted right-of-way, or 100 feet from the platted right-of-way of the North-South Road between the extension of the center line of Barnes Road and the center line of Depot Road and the minimum side or back setback shall be 10 feet.
- F. Structure and building height. Structure height is restricted to achieve several purposes. The Town is economically dependent upon tourism and attracts visitors with its rural character and mountainous setting. Maintaining the traditional scale and style of structures aids in preserving the character of the Town. Peaked roofs are encouraged because it is the traditional roof style in the Town. (Care has been taken to prepare language which does not unduly encourage the use of flat-roof buildings.) The height restriction keeps structures and buildings below treetop level, which is typically from 60 feet to 100 feet for mature maple, beech, birch and pine trees. Structure height below treetop level helps maintain the rural atmosphere and preserve the viewsheds throughout the Town. In addition, the height limit minimizes difficulty in providing fire protection. The following shall apply throughout the Town:
- (1) Structure height shall not exceed 45 feet for any structure, except wind energy systems permitted in accordance with Chapter 179 of the Conway Code. For properties located in the North Conway area north of North Conway Village, structure height shall not exceed 40 feet. [Amended 4-11-2017 ATM by Art. 2; 4-12-2022ATM by Art. 5; 4-11-2023ATM by Art. 12]
 - (2) Building height shall not exceed 35 feet. For properties located in the North Conway area north of North Conway Village and structures on the western side of White Mountain Highway, building height shall not exceed 30 feet. Church steeples may be allowed to exceed 55 feet in height by special exception on application to the Zoning Board of Adjustment as approved after a hearing with appropriate conditions imposed thereon, provided that:
 - (a) The space enclosed in the steeple is not usable floor space other than for the maintenance and structural purposes of the steeple.
 - (b) The height of the steeple is appropriate to the design and size of the church.

~~(3) —Special exceptions.~~

~~(a) In order to preserve and safeguard Conway's older homes, but also allow for their conversion to multifamily dwellings, the Zoning Board of Adjustment may grant special exceptions for residential structures and accessory structures on the same conforming lot, provided that:~~

~~[1] Substantially all of the structure was constructed prior to 1930. **[Amended 4-10-2018 ATM by Art. 2]**~~

~~[2] The total number of dwelling units on the site does not exceed four. **[Amended 5-12-2020 ATM by Art. 4]**~~

~~[3] No less than 5,000 square feet of land area must be provided on the parcel for each unit that exists or is to be constructed thereon. **[Added 5-12-2020 ATM by Art. 4¹]**~~

~~[4] No significant changes to the exterior lines of the building or exterior architectural detail are made which would diminish the historical appearance of the structure.~~

~~[5] Adequate area is available for parking outside the setback and buffer areas. **[Amended 5-12-2020 ATM by Art. 4]**~~

~~[6] Accessory structures must have at least 300 square feet of occupiable space per unit suitable for conversion to a dwelling unit. **[Amended 5-12-2020 ATM by Art. 4]**~~

~~[7] All of the dwelling units shall be used for long term residency; short term transient occupancies of less than 30 consecutive days of any dwelling unit is prohibited. **[Added 5-12-2020 ATM by Art. 4]**~~

~~[8] Scaled floor plans and a sealed site drawing must be submitted to the Zoning Board of Adjustment at the time of application to ensure compliance with the requirements for this special exception. **[Added 5-12-2020 ATM by Art. 4]**~~

~~(b) In order to help provide year-round housing, one accessory dwelling unit shall be permitted without a special exception and by right by the Building Inspector as an accessory to a single family dwelling on any size lot, subject to the enumerated conditions below. **[Amended 4-9-2019 ATM by Art. 2; 4-13-2021 ATM by Art. 5; 4-9-2024ATM by Art. 21]**~~

~~The Zoning Board of Adjustment may grant a special exception for a second accessory dwelling unit as an accessory use to a single family dwelling, or one accessory dwelling unit as an accessory use to a duplex, on any size lot, subject to the following conditions:~~

~~[1] The accessory dwelling unit is designed to ensure architectural compatibility~~

~~with the neighborhood.~~

~~[2] Sufficient parking is located on site with a minimum of one space per accessory dwelling unit.~~

~~[3] The accessory dwelling unit is subject to all other applicable zoning regulations including setbacks, elevations, and overlay district restrictions.~~

~~[4] The primary single family dwelling, duplex, and accessory dwelling units, as applicable shall be used for long term residency, and short term transient occupancy of any dwelling unit is prohibited. The applicable occupancy restrictions shall be recorded at the Carroll County Registry of Deeds.~~

~~[5] A second accessory dwelling unit associated with a single family dwelling and the sole accessory dwelling unit associated with a duplex shall be reserved as an affordable unit for an eligible renter as defined in § 195-8 of the Town of Conway Zoning Ordinance. The applicable affordability restrictions shall be recorded at the Carroll County Registry of Deeds.~~

~~[6] Adequate water supply and sewage disposal for an accessory dwelling unit shall be provided in accordance with RSA 485-A:38.~~

~~[7] Site plan approval shall not be required or be a condition to the Zoning Board of Adjustment granting a special exception under this subsection.~~

~~(c) The Zoning Board of Adjustment may grant a special exception for up to 12 dwelling units per acre, in the Village Commercial and Highway Commercial Districts under the following conditions:~~

~~[1] Each structure must contain at least three dwelling units.~~

~~[2] Not less than 25% of all dwelling units shall be designated as full time rental apartments. At the time of Planning Board approval, the units designated as full time rental apartments must be shown on the plan with a condition that they are leased for 20 years from the date of Planning Board approval by the developer, and a deed restriction shall be recorded in the Registry of Deeds as evidence of the same.~~

~~[3] All lots must be serviced by municipal water and sewerage.~~

~~[4] Rental/Deed restricted units shall be a maximum of 1,000 square feet and a minimum of 300 square feet.~~

~~[5] Architectural design plans must be submitted to the Zoning Board of Adjustment at the time of application to ensure compliance with the zoning regulations.~~

G. Conditional Use Permits. Conditional Use Permits (CUP) may be granted by the Planning Board to allow increases to structural lot coverage and unit density standards. Approval of a CUP is dependent on the applicant meeting specific conditions and demonstrating that proposals maintain the character, scope, and scale of neighboring properties.

Prior to submission of a formal Planning Board application, any proposal requesting a CUP shall be subject to design review. A formal application will not be considered complete without

preliminary review.

- (1) Adaptive Reuse. Adaptive reuse projects are intended to revitalize existing structures which will include restricted non-transient residential units in all or any portion of an eligible structure.
 - (a) Adaptive Reuse Eligible Structures. The provisions of this Conditional Use Permit shall apply to all or any portion of an existing structure constructed prior to 1978 or vacant for a period of at least 10 years.
 - Eligible structures with a footprint of 10,000 square feet or less, shall not be subject to unit density requirements of the underlying district. All units associated with the density relief shall be restricted for non-transient residential occupancy.
 - For eligible structures with a footprint of greater than 10,000 square feet, density of dwelling units restricted for non-transient residential occupancy shall not exceed 18 units per acre.
 - Proposed unit counts may be reduced by the Planning Board if potential impacts to the community cannot be mitigated other than by reducing site density.
 - Dwelling units not associated with an eligible structure or commercial units, proposed or existing, must meet the density requirements of the underlying district.
 - (b) Density.
 - (c) Minimum floor area. New dwelling units shall be a minimum of 450 square feet. Floor area shall not include hallways or other common areas, or rooftops, balconies, terraces, fire escapes, or other projections or surfaces exterior to the walls of the building.
 - (d) All units must be connected to municipal water & sewer.
 - (e) Adaptive reuse projects shall be within the existing eligible structure.
 - (f) Structures which are greater than 50 years of age must provide a review completed by NH Division of Historical Resources. The Planning Board may require historically significant properties to maintain or restore valuable architectural qualities and design features.
 - (g) Findings. In addition to other requirements of this chapter or other applicable regulations, including Site Plan and Subdivision review, the Planning Board shall also find:
 - The proposed Adaptive Reuse Project will not be detrimental to the safety, value, or welfare of surrounding properties or residence;
 - That the Adaptive Reuse Project will be designed to current building code standards; and
 - The Adaptive Reuse Project aligns with the intent of the Master Plan and

is determined a benefit to the community.

- (2) The Planning Board may grant a Conditional Use Permit to allow up to 14 dwelling units per acre in the Highway Commercial District with the following conditions:
- (a) 75% of the units shall be designated as non-transient occupancy. Units must be restricted for a period of 30 years from the date of Certificate of Occupancy issuance. The applicable restriction shall be recorded at the Carroll County Registry of Deeds as evidence of the same.
 - (b) All lots must be serviced by municipal water and municipal sewerage.
 - (c) Non-transient residential units shall have a minimum occupiable floor area of 450 square feet. Floor area shall not include hallways or other common areas, or rooftops, balconies, terraces, fire escapes, or other projections or surfaces exterior to the walls of the building.
 - (d) The Planning Board may require additional site improvements to ensure livability factors are considered such as access to useable greenspace, pedestrian infrastructure, or other improvements to create dwelling units which are oriented toward the well-being of the residents.
- (3) Structural Lot Coverage and Density Incentives. The below incentives are intended to allow additional structural lot coverage when specific site design features are included in new development proposals. The incentives may be cumulative but shall conform with all applicable Chapter 110, Site Plan Review or Chapter 130, Subdivision Regulations including greenspace and buffer setbacks. Minimum Standards for Conditional Use defined as follows:
- (a) The development will not be detrimental to the safety, value, or welfare of surrounding properties or residence;
 - (b) Increases to lot coverage will not have a detrimental impact to the environment or viewsheds;
 - (c) The development aligns with the intent of the Master Plan and is determined to fit within the scale of the community.

In addition to the Minimum Standards for Conditional Use, one or more of the structural lot coverage incentives, as defined in 190-20(3).d thru 190-20(3).j, must be met:

- (d) Mixed-Use Development
 - 1. Mixed-use units must meet the standards for specific use as defined in 190-20.I.a;
 - 2. Existing and proposed developments which incorporate new mixed residential and commercial uses, may be permitted an additional structural lot area coverage of 2.5% for each dwelling unit within a mixed-use development;
 - 3. Mixed-use units shall be designated for non-transient residential use and accessory to a primary commercial use.

- (e) Developments with a primary vehicular access on collector or local roads which direct vehicles to signalized or adequately controlled intersections may be permitted up to a 10% increase in structural lot coverage.
 - 1. A traffic study must be provided to demonstrate potential traffic impacts and the ability for congestion to be mitigated.
 - 2. The applicant must also demonstrate that collector or local roads would not be overburdened with increased traffic flow. Off-site improvements may be necessary to address impacts to infrastructure, provide traffic calming measures, or complete necessary intersection upgrades.
- (f) Developments which provide shared parking for a minimum of 25% of the on-site parking demand may be permitted up to a 5% increase in structural lot coverage.
 - 3. The applicant must provide easements or other legal documentation to demonstrate the shared parking rights.
 - 4. The total number of parking spaces must meet alternative parking standards set by Site Plan Review; 110-21.A, Parking, and demonstrate that sufficient parking will exist for all associated uses.
- (g) Developments which create pedestrian focused infrastructure meeting the following standards may be permitted up to a 10% increase in structural lot coverage:
 - 5. A connection must be made to off-site public pedestrian infrastructure if available. This may require off-site improvements.
 - 6. Onsite pedestrian infrastructure must be separated from vehicular traffic by curbing or a minimum 5-foot vegetated buffer.
 - 7. Site design is pedestrian focused. This is intended to limit road or driveway impervious coverage and create primarily centralized parking areas.
 - 8. Crosswalks, tip downs, and ADA compliance must be designed to NHDOT standards.
- (h) Developments which meet the stormwater standards as defined in 190-28.D; Wetland and Watershed Overlay District, may be permitted up to a 5% increase in structural lot coverage.
- (i) Developments with legally existing nonconforming site features such as, signage, curb-cut dimensions, lighting, or greenspace, may be permitted up to a 10% increase in structural lot coverage when site features are voluntarily brought into conformance with current standards.
 - 9. The percentage of additional structural lot coverage granted will be determined on the significance of the nonconformity being abandoned. Higher percentages, up to 10%, may be granted when conformance clearly mitigates an impact to an abutter or the community.
- (j) Transfer of Developmental Rights.
 - 10. The purpose of the Transfer of Development Rights incentive is to balance

new impervious coverage with the protection of watersheds and drinking water sources within the Town of Conway.

11. Developments may elect to purchase credits to increase the permitted structural lot coverage as defined in §190-20.C. The Development Transfer Credits shall be obtained and utilized pursuant to Chapter XXX, Transfer of Development Rights.
12. Development Transfer Credits must be used to obtain structures or land area within the floodplain; preserve or restore shoreland, wetland and waterbodies buffers; or protect drinking water sources within the Saco or Swift River watershed in the Town of Conway.
13. The Transfer of Development Rights may not be used to reduce required Greenspace as defined Chapter 110, Site Plan Review or Chapter 130, Subdivision of Land.
14. The Transfer of Development Rights incentive may only be utilized following the Selectboard posting the Development Transfer Fee to the Schedule of Fees.

H. Developments of Significant Use.

- (1) Individual structural footprints exceeding 12,000 square feet north of North Conway Village Commercial District or 18,000 square feet in the remainder of the Highway Commercial District shall meet the following standards:
 - (a) Maintain a minimum front setback of 100 feet from White Mountain Highway.
 - (b) The Planning Board may require a structure setback of up to 50 feet from any existing or approved residential use on an adjacent parcel for the purpose of reducing visual, noise, or other potential impacts.
 - (c) Regardless of State or Town ownership of the road which access is to be taken, a traffic impact analysis must be developed by a qualified traffic engineer and approved by the Town.
 - (d) All other structures are subject to setbacks, greenspace, and buffer requirements of the underlying district and as stated in Chapter 110, Site Plan Review.
 - (e) Additional Principle Uses.
 - a. Multiple principle uses proposed on sites which may include new or existing Hotel developments, and are determined to be considered new developments must be considered compatible uses. If permitted, the Planning Board may require vegetated screening or buffers up to 50 feet between proposed uses;
 - b. Proposals intending to develop a parcel with multiple principle uses which may include new or existing Hotel developments must submit a master plan of the site prior to approval of an application for new development. The intention of this regulation is to anticipate and plan for future development. Subsequent applications may be denied without prior approval of a site master plan;

- (2) Charitable Gaming Facilities:
 - (a) A minimum lot area of 4 acres and a structure setback of 1,000 feet from any existing or approved residential, school, public land, or religious use is required.
 - (b) The use shall be visually screened from any public right-of-way.
 - (c) The gaming floor shall not exceed 1,000 square feet.
 - (d) Requirements apply to Charitable Gaming Facilities as a primary or accessory use.
- (3) Drive-Thru Establishments:
 - (a) Stacking of vehicles must be screened to the highest extent practical;
 - (b) Stacking must be clearly represented in a traffic study when Site Plan Review is required. Traffic impacts must be mitigated to allow for adequate traffic flow to be managed on site;
 - (c) Communication and menu displays shall be situated at the rear of the structure for new development and otherwise entirely screened;
 - (d) Drive-thru establishments must utilize alternative parking standards to limit parking and impervious coverage to the maximum extent practical.
 - (e) Digital menu boards are only permitted in the Highway Commercial District.

I. Standards for Specific Use.

- (1) Mixed Use Development.
 - (a) All residential units within a mixed-use development must be designated as non-transient residential occupancy and be an accessory to a primary commercial use. Property owners are encouraged to create housing opportunities above first floor commercial uses.
 - (b) Residential units within a mixed-use development must be restricted for a period of 30 years from the date of Certificate of Occupancy issuance. The applicable restriction shall be recorded at the Carroll County Registry of Deeds as evidence of the same.
 - (c) The maximum number of all units created on a parcel shall be determined by the density of the underlying zone. Additional density may be acquired as defined in chapter 195, Inclusionary Housing.
 - (d) New dwelling units must have a minimum square footage of 450 feet, not including hallways or other common areas, or rooftops, balconies, terraces, fire escapes, or other projections or surfaces exterior to the walls of the building
 - (e) All aspects of the design must be architecturally compatible with surrounding uses and structures. This includes designing for a scale and site layout which complements surrounding neighborhoods.
 - (f) The Planning Board may institute a 50-foot buffer between commercial and residential uses which abut or are within the subject parcel.

- (g) Mechanical equipment or commercial uses in close proximity to any dwelling unit must be adequately screened to provide access which is safe and free from any nuisance activity including noise or visual pollution.
- (h) All uses on-site are compatible as determined Planning Board. The review of site compatibility shall ensure the current or future uses will be able to sustain safe conditions which promote a high quality of life. The Planning Board may require additional site improvements to ensure livability factors are considered such as access to useable greenspace, pedestrian infrastructure, or other improvements which blend the commercial and residential uses to create dwelling units which are oriented toward the well-being of the resident.

(2) Accessory Dwelling Units (ADU)

- (a) In order to help provide year-round housing, one accessory dwelling unit shall be permitted without a special exception and by right by the Building Inspector as an accessory to a single-family dwelling on any size lot, subject to the enumerated conditions below.
 - 1. The Zoning Board of Adjustment may grant a special exception for a second accessory dwelling unit as an accessory use to a single-family dwelling, or one (1) accessory dwelling unit as an accessory use to a duplex, on any size lot, subject to the following conditions:
 - 2. The accessory dwelling unit is designed to ensure architectural compatibility with the neighborhood.
 - 3. Sufficient parking is located on site with a minimum of one (1) space per accessory dwelling unit.
 - 4. The primary single-family dwelling, duplex, and accessory dwelling units, as applicable shall be designated for non-transient residential use, and short-term transient occupancy of any dwelling unit is prohibited. The applicable occupancy restrictions shall be recorded at the Carroll County Registry of Deeds.

THE REMAINDER OF THIS CHAPTER IS NOT PROPOSED TO BE AMENDED

The following existing sections are not included, to limit printing. The full text can be found on our webpage, ConwayNH.Gov or at the request of the Planning Department.

- A. J. Signs.
- B. K. Restrictions regarding home occupations.
- C. L. Yard sales.
- D. M. Mobile homes, travel trailers and recreational vehicles.
- E. N. Mobile home parks.
- F. O. Commercial amusements.
- G. P. facilities, drive-up windows, remote outdoor speaker systems, interactive signs, menu boards
- H. Q. Sexually oriented businesses.
- I. R. Outdoor dining establishments