

The Town of Derry Town Council approved the following change to the Town of Derry Zoning Ordinance at its November 18, 2025, meeting. The changes will become **effective December 19, 2025**.

ARTICLE II WORD USAGE AND DEFINITIONS

Section 165-5 Definitions

~~ASIAN~~-BODYWORK THERAPIST / REFLEXOLOGIST / STRUCTURAL INTEGRATOR – Reflexologists practice the use of alternating pressure applied to the reflexes within the reflex maps of the body located on the feet, hands, and outer ears; Structural Integrators restore postural balance and functional ease by systematically aligning and integrating the human body in gravity through the manipulation of the connective tissue matrix, enhancement of the client’s awareness, and education; ~~Asian~~ Bodywork Therapists treat the human body, mind, emotions, spirit, and energy field using traditional Asian techniques and treatment strategies for the purpose of promoting, maintaining, and restoring health, using methods of assessment and treatment based on the principals of Chinese medicine. Treatment may include, but is not limited to touching, pressing or holding the body along the meridians and/or acupoints, application of heat or cold, stretching, external application of herbal or other topical preparations not classified as prescription drugs, and dietary or exercise suggestions. (Effective 2/21/25)

CARE AND TREATMENT OF ANIMALS — The building or use for veterinary ~~establishment, riding school or kennel~~services.

~~CONFERENCE CENTER— A place of assembly that is open to the public and to private businesses and organizations on a rental basis, where the primary function is conducting meetings, seminars and events. The definition of conference center shall not include Function Halls intended primarily for private social functions or entertainment, Theatres, Concert Halls or other Assembly uses not primarily related to meetings. Food and/or beverage service for on-premises consumption during scheduled events is considered an accessory use to a conference center. A Hotel shall be considered an accessory use to a Conference Center—A building or unified complex whose principal purpose is to host organized gatherings such as conferences, conventions, exhibitions, and meetings. The facility may incorporate any combination of banquet or event halls, lecture or presentation theatres, tradeshow or exposition galleries, divisible meeting and breakout rooms, occupational-training or classroom space, shared co-working or hot-desk areas that directly serve event participants, and small performance stages for keynote or cultural programs. Limited accessory amenities—such as catering kitchens, cafés or bar counters, retail kiosks, and wellness or fitness studios—are permitted only when they remain clearly incidental in floor area and operation to the primary event-and-meeting functions and are not established as independent principal uses.~~ (Effective 7/15/04)

COMMERCIAL KITCHEN, COMMISSARY, OR DEMONSTRATION KITCHEN – A fully enclosed, licensed facility equipped for the large-scale preparation, cooking, or packaging of food and beverage items for off-site sale or catering, or for on-site instructional classes. Such a facility may be rented by multiple food entrepreneurs on a time-share basis and may include limited accessory tasting or retail sales areas subordinate to the primary production or instructional function.

CO-WORK OFFICE – A shared workspace offering individual desks, private offices, or meeting rooms on a flexible membership or rental basis, typically with common reception and/or administrative services, printing, kitchen, and conference amenities.

DATA CENTER OR INFORMATION-PROCESSING FACILITY – A building housing servers, network hardware, data-storage equipment, and associated cooling, power-conditioning, and security systems for the remote processing, storage, or transmission of digital information. Such facility may include accessory office space and generator yards but shall generate minimal on-site customer traffic and no outdoor storage of merchandise.

DISTRIBUTION AND FULFILLMENT CENTER – A structure and/or lot used principally for receiving, short-term indoor storage, order processing, packaging, and dispatching of consumer or industrial goods directly to end users. Operations may include automated sorting, labeling, and parcel pick-up stations but shall not involve long-term warehousing of inventory or heavy manufacturing

DISTILLERY – An industrial use that produces distilled spirits such as whiskey, rum, vodka, gin, or similar beverages on site. A distillery may include barrel storage, bottling, and an accessory tasting room or retail area for product samples and direct-to-consumer sales, provided the tasting or retail area remains clearly subordinate to the primary production activity.

FOOD HALL – A premises containing two or more independent food or beverage vendors operating stall-type service counters around shared customer seating areas.

~~MAIL ORDER STORAGE YARD – Temporary storage and/or shipping of goods, including mail order processing, package distribution and mailing. (Effective 07/20/2017)~~

MAKER SPACE – A shared facility that provides access to work benches, light power tools, 3-D printers, laser cutters, sewing machines, or similar equipment for prototype fabrication, hobby crafting, or product design.

~~MOVIE AND MEDIA PRODUCTION OR RECORDING STUDIOS – A building used commercially to produce musical or sound recordings or to produce motion pictures. for~~

the creation, editing, or streaming of audio, motion picture, musical recording, video, podcast, virtual-production, or other digital media content, including sound stages, control rooms, voice-over booths, and editing suites. Broadcast transmission towers are not included in this definition.

PROFESSIONAL TRAINING, TUTORING, TESTING & CERTIFICATION CENTER - A facility providing classroom, seminar, or one-on-one instruction for academic subjects, standardized-test preparation, language, computer skills, or vocational/technical certification, conducted entirely indoors and generating minimal noise and traffic. In addition to the classrooms, the facility may provide a secondary use to create a secure, proctored environment equipped with computerized workstations or examination rooms used for administering professional licensure, academic, or workforce-certification exams to the public on a scheduled basis.

Section 165-28 Wireless Communications Facilities (Effective 2/20/98)

A. Purpose and Intent — The purpose of this section is to establish regulations for Wireless Communications Facilities. The goals of this section are to:

1. Protect residential areas and lands by minimizing adverse impacts of towers;
2. Encourage the location of towers in non-residential and otherwise appropriate zoning districts;
3. Minimize the total number of towers in the community;
4. Encourage the joint use of new and existing tower locations;
5. Ensure that towers are located in areas that minimize adverse impacts;
6. Ensure towers and antennas are configured in a way that minimizes adverse visual impacts by careful design, appropriate siting, landscape screening, and innovative camouflaging techniques;
7. Enhance the ability to provide telecommunications services to the community quickly, effectively and efficiently;
8. Consider public health and safety impact on the community of the telecommunications facilities;
9. Avoid damage to adjacent properties from tower failure through careful engineering and locating of tower structures;
10. Encourage the attachment of antennas to existing structures;
11. Facilitate the provision of telecommunications services throughout the municipality.

B. Wireless facilities; regulation and performance criteria — The location, placement on a lot construction of wireless communications facilities shall be in accordance with this section as follows:

1. Location —

- a. Construction of wireless communications facilities are prohibited in the following Districts, except as provided in the Telecommunication Overlay Zone.
 - i. Medium High Density Residential District (MHDR)
 - ii. Medium Density Residential District (MDR)
 - iii. Manufactured Housing Park District (MHPD)
 - iv. Multi-Family Residential District (MFRD)
 - v. Central Business District (CBD)
 - vi. General Commercial District (GC)
 - vii. Office Business District (OBD)
 - viii. Low Density Residential District (LDR)
 - ix. Low Medium Density Residential District (LMDR)

- b. Construction of wireless communication towers shall be allowed in the following Telecommunication Overlay Zone:

<u>Tax Map No.</u>	<u>Parcel No.</u>	
101	0115	022-1
	0115-1 through 15	022-8 through 11
	0118	022-11-1
	0119	
102	0119-1 through 30	
107	022-1	023-4
	022-2 through 7	024
	023-3	025
	023-3-1	028
	023-3-2	0218

- c. Construction of wireless communications facilities are a permitted use by right in the following Districts only if the criteria of Table D of this section are met.

Industrial I District (IND-I)

~~Industrial II District (IND-II) (Deleted 7/15/04)~~

Industrial III District (IND-III)

Industrial IV District (IND-IV)

Office/Medical/Business District (OMB)

Office, Research & Development District (ORD)

- d. Towers shall be at least 3/4 of a mile apart.

ARTICLE V ZONING MAP AND DISTRICT BOUNDARIES

Section 165-30 Zoning Map (Repealed and replaced 12/17/09, rev 06/16/2018, rev 04/19/2019, rev 09/13/2019, rev 10.03.2019, rev 04.15.2021, rev 12.16.2021, rev 08.10.2023,)

The locations of the Derry zoning districts are as shown on the Official Zoning Map of the Town of Derry, New Hampshire which consists of the tax map overlays updated to **August 10, 2023 December 19, 2025**, which is hereby declared to be a part of this Article. Included with these are the Flood Insurance Rate Maps and the Floodway and Flood Boundary Maps of the Flood Insurance Study of the County of Rockingham, NH dated May 17, 2005 or as amended, as well as the Flood Insurance Study, both of which were prepared by the Federal Emergency Management Agency; and the Prime Wetlands Maps and the Prime Wetlands Report dated November 11, 1986 which are incorporated herein by reference. Reference is also made to the maps described in Article VIII, Groundwater Resource Conservation District. Any change in the location of boundaries of the Zoning District hereafter made through amendments of this article shall be indicated by alteration of the Zoning Map and Tax Map, and the maps as altered, are declared to be a part of this article.

Section 165.32.3 General Commercial IV District (GCIV) (Effective 08/06/2015)

A. Permitted uses.

1. The following types of uses shall be permitted:
 - a. Agriculture
 - b. Assisted Living Facility
 - c. Automobile Repair

- d. Automobile and Similar Vehicle sales
- e. Automobile Service Station
- f. Bank
- g. Commercial Performing and Fine Arts Schools and Studios
- h. Commercial Service Establishment
- i. Conference Center
- j. Day Care
- k. Essential Services Facility
- l. Filling Station
- m. Home Occupation
- n. Hospital
- o. Hotel
- p. Inn
- q. Indoor Commercial Recreation Facility
- r. Light Industry
- s. Manufacturing
- t. ~~Movie and~~Media Production or Recording Studios
- u. Nursing Home
- v. Professional Office
- w. Publishing
- x. Public/Private Educational Facility (Trade School)
- y. Radio Broadcasting, excluding wireless communication towers
- z. Research and Development Facility/Research Lab
- aa. Restaurant
- bb. Restaurant, Drive-In
- cc. Retail Sales Establishment

- dd. Television Broadcasting
 - ee. Transportation Center (Bus Depot)
 - ff. Warehouse
 - gg. No use described in Section 165-32.3.A.1 shall be construed or interpreted to allow sexually oriented businesses in the General Commercial IV District except as provided in Subsection D.
 - hh. Sports Wagering (Effective 02/27/2020)
2. Single family dwelling units existing as of July 19, 2013 shall be considered legal, permitted uses.

Section 165.32.4 West Running Brook District (WRB) (Effective 09/13/2019, Rev 06/18/2022)

A. Purpose: To retain the unique character that differs from the other commercial districts within the Town of Derry, given the district’s location in the historic West Running Brook area. It is intended the character of the area be retained through judicial use of strict architectural design regulations and lot sizing requirements. The district encourages a mix of land uses, including residential, small scale retail/commercial, recreation and conservation in close proximity to one another in a neighborhood. This preserves the working landscape and protects environmental resources.

B. Permitted Uses

- 1. Bank
- 2. Commercial Performing and Fine Arts Schools and Studios
- 3. Conference Center
- 4. Day Care
- 5. Hotel
- 6. Inn
- 7. Indoor Commercial Recreation
- 8. Manufacturing
- 9. Medical Office
- 10. ~~Movie and~~Media Production or Recording Studios
- 11. Multi-family Residential per Section 165-32.4.J
- 12. Professional Office
- 13. Publishing
- 14. Restaurant
- 15. Retail Sales Establishment
- 16. Warehouse – only as an accessory use, not to exceed 5,000 square feet in size

17. Manufactured housing units in existence as of September 13, 2019, shall be considered legal, permitted uses. No additional manufactured housing units are allowed after this date.
18. Retail uses, professional offices, and personal or professional services in one- and one-half story buildings of 1,500 square feet or less, and up to 5,000 square feet when in buildings of two or more stories. Buildings in this type of area may contain other compatible uses, such as civic and institutional uses of community importance, specifically including second-floor residential uses.
19. Natural expansion of valid pre-existing, non-conforming uses existing as of the adoption of this amendment [09/13/2019], as provided in Article XIII of this ordinance, by NH State Statutes, and by relevant case law.
20. Any use not listed in this section is deemed prohibited, and cannot be permitted without a variance from the Zoning Board of Adjustment. The Zoning Board of Adjustment, before considering any application for a variance under this section, shall refer such application to the Planning Board to seek the Board's advice and comment as to the suitability of the use for the lot in question, taking into consideration the effect of the variance upon the character of the zoning district and any other pertinent data in respect to the Master Plan. The Zoning Board of adjustment may also request such further information that it deems the Planning Board could supply. The Planning Board's advice and comment, and report on any further requested information, shall in all cases be considered informational and non-binding on the decision of the Zoning Board of Adjustment. The Planning Board's advice and comments shall be delivered to the Zoning Board of Adjustment in writing within thirty (30) days of such referral.

ARTICLE VI DISTRICT PROVISIONS

Section 165-37 Neighborhood Commercial District (NC)

A. Objectives and characteristics. It is the intent of the Town of Derry to create zoning districts within the town to be known as Neighborhood Commercial or NC districts. ~~An~~ The NC district is intended to provide an opportunity for the development of ~~limited both retail and retail sales and service~~ commercial facilities in the proximity of residential neighborhoods, ~~thus minimizing unnecessary traffic congestion in the major shopping areas within the town as well as helping to reduce national fuel consumption.~~ It is intended that any such facilities will be designed to blend harmoniously with the residential areas in which they are located and will be spaced such that they will afford convenience to the neighborhoods in which they are located, but will not create substantial or continuous commercial districts.

~~B. Location of NC Districts~~

~~1. NC districts are intended to be floating districts and may be located anywhere within Residential Districts provided that they meet the following criteria: (Duplicate words deleted Effective 11/21/03)~~

~~a. No NC district (or portion thereof) shall be located within 1 1/2 miles (horizontal straight-line measure) from:~~

~~i. any other NC district;~~

~~ii. any business or industrial district within the town (within which NC district uses are permitted); or~~

~~iii. the nearest boundary of a parcel of property on which any other existing convenience store which regularly sells milk, bread, eggs, soda or newspapers is located within the town; and~~

~~b. The Planning Board has approved and filed a plat in the Registry designated as an NC district, based upon the requirements of this chapter as well as those of Chapter 170, Land Development Control Regulations and other applicable regulations; and~~

~~e. The Code Enforcement Officer (CEO) has not filed a notice of termination of NC District in accordance with sub-section D, Duration of NC Districts as set forth below.~~

~~2. In the event that more than one applicant submits an application for establishment of an NC district, which if approved would conflict with Sub-section B.1.a above, the first application received by the Planning Board which contains complete and correct data, information, permits and approvals shall take precedence.~~

~~C. Size of NC Districts. An NC district shall be the same size as, and coincident with, a single lot (parcel) which conforms with the minimum lot size requirements for residential lots in the underlying (surrounding) district (including, where applicable, lot size by soil type).~~

~~D. Duration of NC Districts~~

~~1. An NC district shall continue to exist as long as it is in compliance with the provisions of this chapter including, but not limited to, the provisions related to hours of operation. A period of one year following Planning Board approval and recording of a plat is allowed for the construction and commencement of operation of the facilities, as evidenced by the issuance of a Certificate of Occupancy, failing which the CEO shall issue a notice of termination of NC District which shall be filed in the Registry of Deeds. The one year period may be extended by, and following application to, the CEO for a reasonable additional period of time, provided that the applicant has diligently pursued and has, in good faith, attempted to complete construction within such time period.~~

~~2. In the event that an NC district (or the activities permitted therein) fails to comply with the requirements of this chapter, in any way, for an aggregate period of 90 days in any 12-month period, the CEO of the Town of Derry shall revoke the Certificate of Occupancy for all facilities and operations within the NC district. Within 30 days following the final outcome of any permitted appeals of the decision of the CEO which result in the decision being sustained, the CEO shall issue a notice of termination of NC District, which shall be filed in the Registry of Deeds.~~

~~3. The duration of the NC district shall not be adversely affected by the expansion of an industrial or business district subsequent to the approval and recording of an NC district plat.~~

EB. Permitted uses within an NC District. Only the following uses shall be permitted within an NC district:

~~1. The retail sale of grocery and sundry items including, as a minimum, milk, bread, eggs, soda and newspapers as customarily found in a "convenience" store. No sale for on-premises consumption is permitted. (Sale of coffee and doughnuts for off-premises consumption is permitted.)~~

~~2. The retail rental of audio or video tapes or discs as a secondary use to subsection E.1 above. Such secondary use shall not occupy more than 25% of the usable floor area of the building.~~

- ~~1. Bed and Breakfast~~
- ~~2. Brew Pub~~
- ~~3. Commercial Service Establishment~~
- ~~4. Daycare~~
- ~~5. Dwelling, multi-family as a mixed use, combined with a permitted non-residential use~~
- ~~6. Dwelling, single family detached~~
- ~~7. Home occupation/business~~
- ~~8. Inn~~
- ~~9. Medical office~~
- ~~10. Office~~
- ~~11. Professional office~~
- ~~12. Restaurant~~
- ~~13. Retail Sales Establishment~~

~~F. Prohibited uses within an NC District~~

~~Any use or activity not expressly permitted above.~~

~~Outside storage or display of goods or merchandise.~~

~~Sale of motor fuels.~~

~~Portable or temporary signs.~~

~~On-premises video games, or equivalent, are specifically prohibited.~~

~~Sexually-oriented businesses are prohibited within the Neighborhood Commercial District.~~

~~Wireless communications facilities~~

~~G. Limitations. (Repealed/Renumbered 02/07/2014)~~

~~1. Hours of operation. The retail sale of groceries and sundries shall be conducted on a regular and continuing basis for a minimum of 80 hours per week between the hours of 6:00 a.m. and 10:00 p.m. only. No operation shall be permitted between the hours of 10:00 p.m. and 6:00 a.m.~~

~~2. Building. Only one building shall be located within an NC district, and such building shall be used exclusively for the permitted uses.~~

HC. Area and dimensional requirements.

1. Minimum lot area: ~~See subsection C, Size of NC Districts, above 7,500 square feet.~~
2. Minimum frontage. ~~The NC district (lot) shall have a minimum of 200 feet of frontage on an approved public street (at the front lot line, and not at the setback line), which has been designated as an arterial or collector road only, as referenced in the Transportation Plan in the 1994 Derry Master Plan. (Effective 7/5/07) 75 feet~~
3. ~~Minimum setbacks. All buildings and parking areas and all other areas which are intended or may be used for vehicular travel (except for the access/egress point) shall be set back a minimum of 50 feet from all lot lines. Front setback along Folsom Road: 35 feet; front setback elsewhere in the district is 20 feet. Side and Rear Setbacks shall be 15 feet.~~
4. Lot coverage. Not more than ~~25%~~ 70% of the lot area shall be occupied by the building, parking areas, driveway, or other improvements which reduce the green space.
5. Height. The maximum height of any point of the building or other structures within an NC district shall ~~not exceed 25 feet above the lowest finished grade elevation at any point adjacent to the foundation of such building or structure. be no taller than three (3) stories. A story for the NC district is defined at 10 feet.~~
6. ~~Floor area:~~
 - a. ~~Maximum footprint/plan area of the building (including porches) shall be 2,000 square feet.~~
 - b. ~~Minimum footprint/plan area of the building shall be 1,200 square feet.~~
 - c. ~~The maximum perimeter of the building shall not exceed 180 square feet.~~
 - d. ~~The sales floor area shall be limited to a single level only and shall not exceed 2,000 square feet.~~

I. ~~General requirements:~~

1. ~~The design and finish of the building and all other improvements within an NC district shall be in conformance with that of existing residential improvements within the surrounding neighborhood, as determined by the Planning Board.~~
2. ~~Exterior finishes of cinder block, cement block, fiberglass or metal shall not be permitted. Flat roofs shall not be permitted.~~
3. ~~The building constructed in the NC district shall be designed and constructed (including water supply and sewage disposal with capacity for at least three bedrooms) so as to facilitate future use as a single family residence in the event that the owner chooses to convert the building to a residence (and thus abandon the NC district) or in the event that a notice of termination of NC District is issued.~~

~~4. Landscaped visual and acoustic buffer zones, at least 25 feet deep, shall be provided inside, and immediately adjacent to, all lot lines except for street boundary lines. Buffer zones may be required along street boundary lines at the discretion of the Planning Board~~

~~C.~~

~~5. Vehicular access to, and egress from, an NC district shall be by means of a single driveway with a width not exceeding 24 feet.~~

D. Buffer Zone: When a non-residential use in this district abuts a residential use in this district, or abuts a residential district, a buffer zone may be established to help diminish the impacts of the non-residential use on the abutting residential use or district. The buffer design shall be determined subject to a Conditional Use Permit issued by the Planning Board, notwithstanding any buffering requirements stipulated elsewhere in this Ordinance, which shall consider the requirements of the Land Development Control Regulations Section 170-64, and be based on the following findings of fact.

1. The buffering required shall directly address mitigation of impacts identified during application review and public meetings. In the absence of identified impacts, no buffering shall be required.

2. The net buildable area of the subject parcel shall not be sufficiently encumbered by the buffer design so as to create an unreasonable hardship on development for a permitted non-residential use.

3. The design of the buffer shall be the least intrusive available means to achieve effective mitigation of demonstrated impacts on the abutting residential use or district.

4. Buffering shall only be required to mitigate demonstrated impacts directly related to expansion of the original building, expansion of the original driveway and parking areas, expansion of appurtenances directly related to the non-residential use, expansion of on-site lighting, or increases in noise perceived at the abutting properties.

5. Limitation of the allowed lighting design for the proposed non-residential use shall be considered in preference to additional buffering, in cases where the impact is light pollution.

E. Architectural Design Requirements: Architecture shall be subject to the Architectural Design Regulations contained within Chapter 170, the Land Development Control Regulations.

Section 165-39 Industrial District-I (IND-I)

A. Permitted uses. The following uses shall be permitted within the Industrial District-I:

1. The manufacture of various products including, but not limited to:

Appliances	Office supplies
Building material	Photographic and optical products
Chemicals	Plastics

Clothing	Sporting goods
Food	Textiles
Furniture	Transportation equipment
Instruments	Wood products

2. Other large-scale uses including, but not limited to:
 - Building materials storage and sale
 - Distribution and Fulfillment Center
 - Freight terminal
 - Fuel and storage tanks
 - ~~Mail order storage yards~~
 - Sand and gravel pits
 - Warehouse
 - Wholesale businesses
3. Agricultural and forestry uses.
4. Wireless communications facilities

Section 165-40 Industrial District- II (IND-II) (Deleted 7/15/04, Reinstated 12/19/2025)

Section 165-40 Industrial District-II (IND-II)

- A. Purpose: To encourage land uses that utilize local infrastructure, foster diverse growth opportunities, and create employment for regional residents, leveraging the area's convenient highway access.
- B. Permitted uses. The following uses shall be permitted within the Industrial District-II
 1. Aeroponics
 2. Aquaponics
 3. Artist/Artisan/Craftsman
 4. Automobile Repair
 5. Bank
 6. Brewery
 7. Brew pub
 8. Building Material Storage Yard

- [9. Care and Treatment of Animals](#)
- [10. Commercial Service Establishment](#)
- [11. Commercial Kitchen, Commissary, or Demonstration Kitchen](#)
- [12. Commercial Performing and Fine Arts Schools & Studios](#)
- [13. Contractor](#)
- [14. Conference Center](#)
- [15. Co-work Offices](#)
- [16. Crematorium](#)
- [17. Cultural Facilities](#)
- [18. Dwelling, Multi-family](#)
- [19. Distribution and Fulfillment Center](#)
- [20. Electric Vehicle Supply Equipment](#)
- [21. Equipment Upfit](#)
- [22. Farmer's Market](#)
- [23. Filling Station](#)
- [24. Food Hall](#)
- [25. Freight/Trucking Terminal](#)
- [26. Fuel and Storage Tanks](#)
- [27. Group Day Care Facility](#)
- [28. Hotel](#)
- [29. Hydroponic Agriculture](#)
- [30. Indoor Commercial Recreational Facility](#)
- [31. Indoor Farming](#)
- [32. Industrial Establishment](#)
- [33. Industrial Establishment, Light](#)
- [34. Industrial Supply](#)
- [35. Laboratory: Research, Experimental, Testing](#)
- [36. Light Manufacturing](#)
- [37. Makerspace](#)
- [38. Manufacturing](#)
- [39. Microbrewery](#)
- [40. Media Production or Recording Studio](#)
- [41. Medical Office Building](#)
- [42. Pet Day-Care & Boarding](#)
- [43. Printer](#)
- [44. Professional Office](#)
- [45. Professional Training, Tutoring, Testing and Certification Center](#)
- [46. Research and Development Facility](#)

47. Research Lab

48. Restaurant

49. Restaurant, Drive In

50. Retail Sales Establishment

51. Sports Wagering

52. Television Broadcasting

53. Transportation Center

54. Warehouse

2-55. Wholesale Business

3-56. Existing residential uses (single family, two, three, and four family dwelling units) existing as of the effective date of this amendment (//2025), shall be considered legal, permitted uses.

C. Sexually oriented businesses are specifically prohibited in this district.

D. Area and Dimensional Requirements

1. Minimum lot area: 20,000 square feet
2. Minimum Frontage Requirements: 100 feet.
3. Minimum lot width: 100 feet at the thirty-foot front setback line
4. Minimum yard depths:
 - a. Front yard: 30 feet
 - b. Side and rear yards: 15 feet
5. Building height. Buildings in this district shall be no higher than five stories.

E. Water and sewer services.

1. Municipal water service shall be used if said municipal water is located within 100 feet of a property line of a parcel under consideration, as required by Chapter 156, Water Main Specifications.
2. Municipal sewer service shall be used if said municipal sewer is located within 100 feet of a property line of a parcel under consideration, as required by Chapter 122, Sewers.
3. All connections to the town water and sewer systems shall be made in strict conformity Chapter 122, Sewers, Chapter 156, Water Main Specifications.

and the Sewer and Water Service Connection Specifications of the Town of Derry.

4. If municipal water and sewer utilities are not available, state-approved water and septic systems shall be required.

F. Buffer zones. Buffer zones shall be established in accordance with the provisions of Article III, Section 165-23, and Chapter 170, Land Development Control Regulations.

G. Off-street parking. Off-street parking shall be provided in accordance with the provisions of Chapter 170, Land Development Control Regulations.

~~G.~~–H. Multi-family Dwelling Requirements

1. Multi-family Residential uses are only permitted as a mixed use in conjunction with permitted non-residential uses and shall be approved through a Conditional Use Permit issued by the Planning Board following a duly noticed public hearing, pursuant to RSA 674:21, II. The public hearing shall take place at the same time as the hearing to review the site plan for the project.

2. When an existing building is being converted to multi-family or mixed use purposes, an exemption is permitted for setbacks, height, or frontage, providing the original building's height, floor area, and setbacks do not change.

3. Density: Not to exceed 20 units per acre.

2.4. The non-residential use portion of the building shall be a minimum of 25% of the total gross square feet of the building. Applicants may request a reduction in the percentage of non-residential use for projects that create workforce housing as defined in RSA 674:58-61.

5. Application. Applicants shall be required to submit an application for a Conditional Use Permit in such detail as may be set forth in regulations established by the Planning Board.

6. Appeals. Appeals concerning the issuance of the Conditional Use Permit shall be to Superior Court as provided for in RSA 676:15.

I. Conditional Use Permit. The Planning Board may issue a Conditional Use Permit to allow a mixed-use multi-family dwelling in the IND II District subject to the terms of this section, if the Board determines the proposal conforms to all of the following conditional use permit criteria (except for specific criteria that are deemed by the Planning Board to not be pertinent to the application).

1. Site Suitability: The site is suitable for the proposed use. This includes:

a. The availability of appropriate utilities to serve the intended use including water, sewage disposal, stormwater disposal, electricity, and similar utilities.

2. Availability of Public Services and Facilities: Adequate and lawful facilities or arrangements for sewage disposal, solid waste disposal, water supply, utilities, drainage and other necessary public or private services, are approved or assured to the end that the use will be capable of proper operation. In addition, it must be determined that these services will not cause unnecessary demand on municipal services, including but not limited to, water, sewer, and waste disposal.

Section 165-42 Industrial District-IV (IND-IV)

A. Permitted uses. The following uses shall be permitted within the Industrial District-IV:
(Revised 06/14/2012. Repealed Sections A, B, C and replaced 04.15.2021)

1. Retail sales or lease of new automobiles and trucks of 2,500 gross square feet or greater, which may include the following as accessory uses: wholesale sales of new automobiles and trucks, retail and/or wholesale sale of used automobiles and trucks, or servicing and repair of automobiles and trucks. (Effective 04.15.2021)
2. Aeroponics (Effective 04.15.2021)
3. Aquaponics(Effective 04.15.2021)
4. Automobile Repair Facility/Garage
5. Brewery (Effective 04.15.2021)
6. Brew Pub (Effective 04.15.2021)
7. Building Material Storage Yard
8. Commercial Service Establishment
9. Contractor (Effective 04.15.2021)
- ~~10.~~ Cultural Facilities (Effective 04.15.2021)
- ~~10-11.~~ Distribution and Fulfillment Center
- ~~11-12.~~ Electric Vehicle Supply Equipment
- ~~12-13.~~ Freight/Trucking Terminal
- ~~13-14.~~ Fuel and Storage Tanks
- ~~14-15.~~ Hotel
- ~~15-16.~~ Hydroponic Agriculture (Effective 04.15.2021)
- ~~16-17.~~ Indoor Commercial Recreational Facility
- ~~17-18.~~ Indoor Farming (Effective 04.15.2021)
- ~~18-19.~~ Industrial Establishment
- ~~19-20.~~ Industrial Establishment, Light
- ~~20-21.~~ Industrial Supply (Effective 04.15.2021)
- ~~21-22.~~ Laboratory: Research, Experimental, Testing (Effective 04.15.2021)
- ~~22-23.~~ Light Manufacturing (Effective 04.15.2021)
- ~~23.~~ Mail Order Storage Yard
24. Manufacturing
25. Microbrewery (Effective 04.15.2021)
26. Movie and Media Production and Recording Studios (Effective 04.15.2021)
27. Printing (Effective 04.15.2021)
28. Professional Office
29. Research and Development Facility (Effective 04.15.2021)

- 30. Research Lab (Effective 04.15.2021)
- 31. Restaurant
- 32. Restaurant, drive in
- 33. Retail Sales Establishment
- 34. Sports Wagering (Effective 02.27.2020)
- 35. Television Broadcasting (Effective 04.15.2021)
- 36. Transportation Center (Effective 04.15.2021)
- 37. Warehouse
- 38. Wholesale Business
- 39. Wireless Communication Facilities

Section 165-43-1 Industrial District-VI (IND-VI) (Effective 3/17/04, Deleted 12/19/2025)

~~A. District objective. This district allows for the establishment of office and light manufacturing employment opportunities in the community and takes into consideration vehicular and truck access and the availability of municipal water and sewer.~~

~~B. Permitted uses. Only the following uses shall be permitted within this district:~~

~~— Manufacturing industries~~

~~— Warehouse and wholesale uses~~

~~Professional office and appurtenant uses in buildings of greater than 10,000 square feet~~

~~— Public utilities~~

~~— Parking garages~~

~~— Animal hospital, veterinary clinics~~

~~— Printing establishments~~

~~— Industrial supply establishments~~

~~— Hotel/motel~~

~~— Breweries and bottling facilities~~

~~— Enclosed recycling of non-hazardous materials~~

~~C. Prohibited uses. Any industrial use of land, building, structure, or equipment which would be injurious, noxious or offensive by way of the creation of adverse traffic impacts or conditions, odor, fumes, smoke, dust, vibration, noise or other objectionable features, or hazardous to the community on account of fire or explosion or any other cause shall be prohibited in this district. Sexually oriented businesses are prohibited in this district.~~

~~D. Area and dimensional requirements~~

~~1. Minimum lot area: one acre (43,560 square feet) when served by town sewer. If not served by the town sewer, the minimum lot area shall be one acre in addition to meeting the~~

~~lot size requirement specified in Table A, Minimum Lot Size by Soil Type, as contained in Chapter 170, Land Development Control Regulations~~

~~2. Minimum Frontage Requirement: 125 feet~~

~~3. Minimum lot width: 125 feet at the thirty foot front setback line.~~

~~4. Minimum yard depths: _____~~

~~_____ a. Front yard, 30 feet;~~

~~_____ b. Side and rear yards, 20 feet~~

~~E. Building height. Building heights of up to 60 feet shall be permitted, notwithstanding any other provision of this chapter.~~

~~F. Buffer zones. Buffer zones shall be established in accordance with the provisions of Article III, Section 165-23.~~

~~G. Off street parking. Off street parking shall be provided in accordance with the provisions of Chapter 170, Land Development Control Regulations.~~

Section 165-101.2 Signs in Neighborhood Commercial Districts

- A. Only one free standing sign shall be permitted within a Neighborhood Commercial District. ~~Such sign shall be for facility name and address identification only and shall not contain any product or advertising information.~~ Such sign shall have a maximum surface area of 10 square feet on each of the two sides. The maximum height of the sign above grade shall be eight feet and shall be located a minimum of 10 feet from all property lines of the parcel. The sign shall not be internally illuminated and internally illuminated lettering shall not be utilized.
- B. In addition to the one free-standing sign, one flat sign attached to the surface of the building will be permitted. Such sign shall have a maximum surface area of 20 square feet, shall not be internally illuminated and shall not utilize internally illuminated lettering. No other signs will be permitted in a Neighborhood Commercial district.