

- O. Downtown Riverfront (DR) District. The Downtown Riverfront District is created to provide opportunities, incentives and requirements to acknowledge and respect the Winnepesaukee River in the downtown area between Lake Opechee and Lake Winnisquam. The river is a focal point in the City's history and heritage and should be a critical factor in any redevelopment within the district. The district is defined as outlined on the official Zoning Map. **[Added 5-22-2000 by Ord. No. 05.2000.05]**

**§ 235-15. Official Zoning Map.**

- A. The Official Zoning Map of the City of Laconia shall be kept in the office of the City Clerk and shall be signed by the Mayor and attested to by the City Clerk.
- B. Amendments to the Official Zoning Map. Amendments to the Official Zoning Map shall be in accordance with Article XIV, Amendments, of this chapter.
- C. District boundaries.
- (1) Interpretation of location. The location of district boundaries shall be as described in the boundary descriptions above and as shown on the Official Zoning Map and shall, where applicable, be the center lines of street or railroad rights-of-way, the middle of the channel of waterways or such lines extended.
- (2) Lots of record bisected by district boundaries. Where a lot of record existing at the time of the adoption of this chapter is bisected by a district boundary and the frontage of the lot is located in the less restrictive of the districts, the less restrictive district requirements may be applied to the land area for a distance of 100 feet within the more restrictive district, measured from the shared district boundary. **[Amended 8-13-2001 by Ord. No. 05.2001.05]**

**§ 235-16. Winnepesaukee Urban Renewal Project.**

Development within the Winnepesaukee Urban Renewal Project area is solely the function of the Laconia Housing and Redevelopment Authority until September 2, 2005.

ARTICLE IV  
**Overlay Districts**

**§ 235-17. Wetlands Conservation and Water Quality (WC) Overlay District.**

- A. Authority. The WC Overlay District is established in accordance with the provisions of RSA 674:21, Innovative Land Use Controls and is considered to be an innovative land use control. Within the WC District, the Planning Board is authorized to administer and grant conditional use permits for certain types of development. **[Amended 5-22-2000 by Ord. No. 05.2000.05]**
- B. Purpose and intent. The purpose of this chapter, in the interest of public health, safety and general welfare, is to protect and regulate the land adjacent to water bodies, the use

of wetlands and their buffer areas, as defined herein. The intent of this chapter is to:  
**[Amended 5-22-2000 by Ord. No. 05.2000.05]**

- (1) Ensure the protection of water wetland resources and vernal pools from activities that would adversely affect their functions and values to: **[Amended 10-14-2008 by Ord. No. 07.2008.07]**
  - (a) Prevent or minimize soil erosion and sedimentation of surface waters and wetlands.
  - (b) Prevent the loss of fish and wildlife habitat.
  - (c) Prevent the degradation of surface and ground water quality and quantity.
  - (d) Prevent the loss or degradation of representative and rare examples of wetland plants and animals.
  - (e) Prevent the loss or degradation of valuable wetland systems and surface waters for education and research in natural sciences.
  - (f) Prevent damage of property and degradation of surface and ground waters by maintaining the capacity of wetlands in the watershed to store floodwaters and manage stormwater.
  - (g) Prevent the loss or degradation of a diversity of recreational benefits such as hunting, fishing, canoeing, bird watching and hiking.
  - (h) Prevent the loss of the visual and aesthetic qualities of wetlands including their contribution to open space, character and overall scenic beauty of the landscape.
- (2) Ensure the protection of wetland and waterbody buffer areas from activities that would adversely affect their ability to protect wetlands from degradation to:
  - (a) Prevent erosion and sedimentation by stabilizing soil.
  - (b) Moderate the effects of stormwater runoff by filtering sediment, nutrients and harmful or toxic substances, and moderating thermal discharges.
  - (c) Protect and maintain wildlife habitat.
  - (d) Support and protect wetland plant species.
  - (e) Reduce the disturbances to wetland resources caused by intrusion of human activity.
- (3) Prevent the expenditure of municipal funds for the purposes of providing and/or maintaining essential services and utilities which might be required as a result of the destruction or degradation of wetlands and the loss of water quality.

C. Establishment of the WC District.

- (1) The WC District shall consist of all lands which meet the definition of wetlands, as specified in Article II, and wetland waterbody buffers as designated in this section, and vernal pools as defined in Article II. **[Amended 5-22-2000 by Ord. No. 05.2000.05; 10-14-2008 by Ord. No. 07.2008.07]**
  - (2) The WC District shall be superimposed upon other zoning districts in this chapter, and the regulations pertaining to the WC District shall be in addition to the regulations of the underlying districts and other City ordinances and regulations. Where any provision of these regulations imposes restrictions different from those imposed by any other ordinance, rule, regulation or other provision of law, whichever provisions are more restrictive or impose higher standards shall control.
  - (3) Wetlands and vernal pools shall be delineated by a certified soil scientist as licensed by the State of New Hampshire. **[Amended 10-14-2008 by Ord. No. 07.2008.07]**
- D. Wetland and vernal pool buffers. **[Amended 10-14-2008 by Ord. No. 07.2008.07]**
- (1) Wetland buffer areas shall be defined as all land lying:
    - (a) Within 100 feet outside the boundary of any prime wetland.
    - (b) Within 75 feet outside the boundary of any non-prime wetland contiguous to public waters and including the following brooks: Durkee Brook, Jewett Brook, Black Brook, Langley Brook, Mellinger Brook and unnamed brooks designated A through I on the Official Zoning Map.
    - (c) Within 50 feet outside the boundary of any other wetland.
  - (2) Wetland buffer maintenance. Wetland buffers shall be retained and maintained in their natural condition. Where wetland buffer disturbance is permitted pursuant to this chapter, revegetation of the disturbed area is required.
  - (3) Vernal pool buffers. Vernal pool buffer areas shall be defined as all land lying within 100 feet outside the boundary of any vernal pool.
  - (4) Vernal pool buffer maintenance. Vernal pool buffers shall be retained and maintained in their natural condition. Where vernal pool buffer disturbance is permitted pursuant to this chapter, revegetation of the disturbed area is required.
- E. Waterbody buffers. Waterbody buffers shall be retained and maintained in their natural condition. Where waterbody buffer disturbance is permitted pursuant to this chapter, revegetation of the disturbed area is required to the greatest extent possible. Waterbody buffers are defined as all land lying: **[Added 5-22-2000 by Ord. No. 05.2000.05<sup>11</sup> ]**
- (1) Within 75 feet of public waters, public rivers and the following brooks: Durkee Brook, Jewett Brook, Black Brook, Langley Brook, Mellinger Brook and unnamed

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**11. Editor's Note:** This ordinance also redesignated former Subsections E through I as Subsections F through J, respectively.

brooks designated A through I on the Official Zoning Map. **[Amended 10-14-2008 by Ord. No. 07.2008.07]**

- (2) Exceptions. Buffers on property within the Downtown Riverfront District may be reduced to 15 feet, provided that a conditional use permit is granted and the following standards from Subsection I(2)(a), (c), (e), (f), (g) and (h). Standards for the granting a conditional use permit, are met. The applicant shall further demonstrate that the overall development of the site improves the current water quality of stormwater discharge.
- F. Permitted uses (exempt from Planning Board approval). The following uses are permitted in all wetlands and wetland and waterbody buffers, provided that they will not require the erection or construction of a building or structure; they will not require recontouring or grading of the land; no draining, dredging, filling or change in the flow of water will result; and the activity will not result in the pollution of wetlands and surface and ground waters. **[Amended 5-22-2000 by Ord. No. 05.2000.05; 8-13-2001 by Ord. No. 05.2001.05]**
- (1) Logging operations which:
    - (a) Utilize best management practices as described in Best Management Practices for Erosion Control on Timber Harvesting Operations in New Hampshire; and
    - (b) Comply with all applicable state laws including obtaining and filing an intent-to-cut form according to RSA 79:10, and filing a complete Notification of Forest Management Activities Having Minimum Wetlands Impact according to RSA 482-A:3, or obtaining a State Wetlands Board permit according to RSA 482-A.
  - (2) Agricultural activities and operations as defined in RSA 21:34-a, Farm, Agriculture and Farming, and as governed by RSA 430 provided such activities and operations are in conformance with the most recent best management practices determined by the United States Department of Agriculture Natural Resources Conservation Service, the New Hampshire Department of Agriculture, and UNH Cooperative Extension.
  - (3) Outdoor recreational activities including hunting, hiking, fishing, swimming and boating.
  - (4) Wildlife or fisheries management activities.
  - (5) Educational activities and scientific research.
  - (6) Activities incidental to ordinary residential use such as normal ground maintenance including mowing, trimming of vegetation and removal of dead or diseased vegetation around a residence. This shall not include the regrading or recontouring of land or the clearing of vegetation.

- (7) Alterations for access to a lot for single-family residential use, provided that a permit is obtained for such purpose from the State of New Hampshire Wetlands Board.
- G. Prohibited uses. Uses which are prohibited in the WC District include the following:
- (1) The establishment or expansion of:
    - (a) Salt storage sheds.
    - (b) Junkyards, resource recovery facilities, transfer stations or landfills.
    - (c) Solid or hazardous waste facilities.
  - (2) The bulk storage of chemicals, petroleum products or toxic and hazardous materials.
  - (3) The dumping or disposal of snow and ice collected from roadways and parking areas.
- H. Uses requiring a conditional use permit. A conditional use permit is required for the following uses in the WC District:
- (1) Activities that alter or remove soils or vegetation including clearing, dredging, draining or filling.
  - (2) Activities which alter the natural drainage system resulting in a change in the flow of water, water level or water table.
  - (3) Water impoundments for the purpose of creating a waterbody for wildlife, on-site detention of stormwater runoff and/or for recreational uses.
  - (4) The undertaking of a use not otherwise permitted in the WC District that is permitted in the underlying zoning district, if it can be shown that such proposed use is not in conflict with any and all of the purposes of the WC District.
- I. Standards for granting of a conditional use permit.
- (1) An application for a conditional use permit in the WC District shall be filed with the Planning Board pursuant to Article XII, Conditional Use Permits. The Planning Board shall refer the application to the Conservation Commission for review and comment through the plan review committee process. In acting on the application, the Board shall consider any report received from the Commission. **[Amended 8-13-2001 by Ord. No. 05.2001.05]**
  - (2) In addition to the requirements of Article XII, the applicant shall provide adequate documentation in order for the Planning Board to make a finding that the proposed use or activity meets the following standards:
    - (a) The proposed activity or use is consistent with the purposes of the WC District.

- (b) The proposed activity minimizes the degradation to or loss of wetlands, wetland buffers, vernal pools and vernal pool buffers and minimizes any adverse impact to the functions and values of wetlands, wetland buffers, vernal pools and vernal pool buffers as determined by a wetlands evaluation in accordance with the New Hampshire Method, New Hampshire authored by the Audubon Society, as amended. **[Amended 10-14-2008 by Ord. No. 07.2008.07]**
  - (c) The proposed activity minimizes the environmental impact to abutting or downstream property and/or hydrologically connected water and/or wetland resources.
  - (d) The proposed activity or use cannot practicably be located otherwise on the site to eliminate or reduce the impact to the wetland and/or its buffer area.
  - (e) Federal and/or state permit(s) have been received for the proposed activity in accordance with Wetlands Board Rules (N.H. Adm. Rules Wt 100-800), the State Programmatic General Permit and the Army Corps of Engineers Section 404 Permit.
  - (f) Where applicable, proof of compliance with all other state and/or federal regulations has been received.
  - (g) The proposed activity, when being considered, whether concurrently with subdivision or site plan applications or not, shall take into account future development requirements or possibilities pertinent to the land under consideration and shall reasonably provide therefor. Lots shall be designed to minimize future alterations to wetlands and wetland buffers. **[Added 10-14-1997 by Ord. No. 10.97.10]**
  - (h) The activity has been designed using the New Hampshire Department of Environmental Services, the USDA - Soil Conservation Service and the Rockingham County Conservation District, Stormwater Management and Erosion and Sediment Control, A Handbook for Urban and Developing Areas in New Hampshire, August 1992, as may be amended and New Hampshire Department of Environmental Services Water Supply and Pollution Control Division Best Management Practices for Urban Stormwater Runoff, January 1996, as may be amended. **[Added 5-22-2000 by Ord. No. 05.2000.05]**
- (3) The Planning Board, in acting on an application for a conditional use permit in the WC District, may attach conditions to its approval, including but not limited to requirements such as more extensive buffers, additional plantings in areas to be revegetated, an increase in the proposed amount of green space and the like. When such additional conditions are imposed, the Planning Board shall be governed by the standards as set forth in Subsection I(2) above. **[Amended 5-22-2000 by Ord. No. 05.2000.05]**
- J. Subsurface disposal systems. The following conditions, based on characteristics of the receiving soil as they relate to United States Department of Agriculture, Soil

Conservation Service drainage classes, shall dictate the setback requirements for all new leaching portions of new septic systems, as follows:

- (1) Where the receiving soil downgradient of the leaching portions of the septic system is a porous sand and gravel material with a percolation rate faster than two minutes per inch, the setback shall be at least 125 feet from a wetland.
- (2) For soils with restrictive layers within 18 inches of the natural soil surface, the setback shall be at least 100 feet from a wetland.
- (3) For all other soil conditions, the setback shall be at least 75 feet from a wetland.

**§ 235-18. Floodplain District.**

- A. The Floodplain District shall consist of all lands designated as special flood hazard areas by the Federal Emergency Management Agency in its Flood Insurance Study for the City of Laconia, N.H., together with the associated Flood Insurance Rate Maps and Flood Boundary and Floodway Maps of the City of Laconia, dated August 1980, which are declared to be a part of this chapter.
- B. The following regulations shall apply to all lands designated as special flood hazard areas by the Federal Emergency Management Agency in its Flood Insurance Study for the City of Laconia, N.H., together with the associated Flood Insurance Rate Maps and Flood Boundary and Floodway Maps of the City of Laconia, dated August 1980, which are declared to be a part of this chapter.
  - (1) All proposed development in any special flood hazard areas shall require a permit.
  - (2) The Director of Planning and Community Development or his or her designee shall review all building permit applications for new construction or substantial improvements to determine whether proposed building sites will be reasonably safe from flooding. A substantial improvement is any combination of repairs, reconstruction, alterations or improvements to a structure in which the cumulative cost equals or exceeds 50% of the market value of the structure. A substantial improvement is considered to occur when the first alteration of any wall, ceiling, floor or other structural part of the building commences, whether or not that alteration effects the external dimensions of the structure. The term "substantial improvement" does not include any improvement of a structure that is necessary for compliance with existing health, sanitary or safety codes which are solely necessary to assure safe living conditions, or alters a structure listed on the National Register of Historic Places. The market value of the structure shall be the appraised value of the structure prior to the start of the initial repair or improvement or, in the case of damage, the value of the structure prior to the damage occurring. If a proposed building site is in a flood-prone area, all new construction and substantial improvements shall be: **[Amended 8-14-2000 by Ord. No. 07.2000.07]**

- (a) Designed (or modified) and adequately anchored to prevent flotation, collapse or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy.
  - (b) Constructed with materials resistant to flood damage.
  - (c) Constructed by methods and practices that minimize flood damages.
  - (d) Constructed with electrical, heating, ventilation, plumbing and air-conditioning equipment and other service facilities that are designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding.
- (3) Where new and replacement water and sewer systems (including on-site systems) are proposed in flood-prone areas, the applicant shall provide the Director of Planning and Community Development or his or her designee with assurance that new and replacement sanitary sewage systems will be designed to minimize or eliminate infiltration of floodwaters into the systems and discharges from the systems into floodwaters, and on-site waste disposal systems will be located to avoid impairment to them or contamination from them during periods of flooding. **[Amended 8-14-2000 by Ord. No. 07.2000.07]**
- (4) The Director of Planning and Community Development or his or her designee shall maintain for public inspection and furnish upon request any certification of floodproofing and the as-built elevation (in relation to mean sea level) of the lowest floor (including basement) of all new or substantially improved structures and include whether or not such structures contain a basement. If the structure has been floodproofed, the as-built elevation (in relation to mean sea level) to which the structure was floodproofed is required. This information must be furnished by the applicant. **[Amended 8-14-2000 by Ord. No. 07.2000.07]**
- (5) The Director of Planning and Community Development or his or her designee shall review proposed developments to assure that all necessary permits have been received from those governmental agencies from which approval is required by federal or state law, including Section 404 of the Federal Water Pollution Control Act Amendments of 1972, 33 U.S.C. § 1334. It shall be the responsibility of the applicant to certify these assurances to the Director of Planning and Community Development or his or her designee. **[Amended 8-14-2000 by Ord. No. 07.2000.07]**
- (6) Development involving watercourses.
- (a) In riverine situations, prior to the alteration or relocation of a watercourse, the applicant for such authorization shall notify the Wetlands Board of the New Hampshire Environmental Services Department and submit copies of such notification to the Director of Planning and Community Development or his or her designee. Further, the applicant shall be required to submit copies of said notification to those adjacent communities as determined by the Director of Planning and Community Development or his or her designee. **[Amended 8-14-2000 by Ord. No. 07.2000.07]**

- (b) Within the altered or relocated portion of any watercourse, the applicant shall submit to the Director of Planning and Community Development or his or her designee certification provided by a registered professional engineer assuring that the flood-carrying capacity of the watercourse has been maintained. **[Amended 8-14-2000 by Ord. No. 07.2000.07]**
  - (c) Along watercourses that have a designated regulatory floodway, no encroachments, including fill, new construction, substantial improvements and other development, are allowed within the designated regulatory floodway that would result in any increase in flood levels within the community during the base flood discharge. In Zone A, the Director of Planning and Community Development or his or her designee shall obtain, review and reasonably utilize any floodway data available from a federal, state or other source as criteria for requiring that development meet the floodway requirements of this section. **[Amended 8-14-2000 by Ord. No. 07.2000.07]**
  - (d) Along watercourses that have not had a regulatory floodway designated, no new construction, substantial improvements or other development (including fill) shall be permitted within Zones A1 - 30 and AE on the FIRM, unless it is demonstrated that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than one foot at any point within the community.
- (7) Determination of one-hundred-year-flood elevation.
- (a) In special flood hazard areas, the Director of Planning and Community Development or his or her designee shall determine the one-hundred-year-flood elevation in the following order of precedence, according to the data available: **[Amended 8-14-2000 by Ord. No. 07.2000.07]**
    - [1] In Zones A1 - 30, AH, AE, V - 30 and VE, refer to the elevation provided in the communities Flood Insurance Study and accompanying FIRM or FHBM.
    - [2] In unnumbered A Zones, the Director of Planning and Community Development or his or her designee shall obtain, review and reasonably utilize any one-hundred-year-flood-elevation data available from federal, state, development proposals submitted to the community (for example, subdivisions, site approvals, etc.) or other source.
    - [3] In Zone AO, the one-hundred-year-flood elevation is determined by adding the elevation of the highest adjacent grade to the depth number specified on the FIRM or, if no depth number is specified on the FIRM, at least two feet.
  - (b) The Director of Planning and Community Development's or his or her designee's one-hundred-year-flood-elevation determination will be used as

criteria for requiring in Zones A1 - 30, AE, AH, AO and A that: **[Amended 8-14-2000 by Ord. No. 07.2000.07]**

- [1] All new construction and substantial improvements of residential structures have the lowest floor (including basement) elevated to or above the one-hundred-year-flood level.
- [2] All new construction and substantial improvements of nonresidential structures have the lowest floor (including basement) elevated to or above the one-hundred-year-flood level or, together with attendant utility and sanitary facilities, shall:
  - [a] Be floodproofed so that below the one-hundred-year-flood elevation the structure is watertight with walls substantially impermeable to the passage of water.
  - [b] Have structural components capable of resisting hydrostatic and hydrodynamic loads and the effects of buoyancy.
  - [c] Be certified by a registered professional engineer or architect that the design and methods of construction are in accordance with accepted standards of practice for meeting the provisions of this section.
- [3] All manufactured homes to be placed or substantially improved within special flood hazard areas shall be elevated on a permanent foundation such that the lowest floor of the manufactured home is at or above the base flood level and be securely anchored to resist flotation, collapse or lateral movement. Methods of anchoring may include but are not limited to use of over-the-top or frame ties to ground anchors. This requirement is in addition to applicable state and local anchoring requirements for resisting wind forces.
- [4] For all new construction and substantial improvements, fully enclosed areas below the lowest floor that are subject to flooding are permitted, provided that the enclosed areas meet the following requirements: the enclosed area is unfinished or flood-resistant, usable solely for parking of vehicles, building access or storage; the area is not a basement; and the area shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designs for meeting this requirement must either be certified by a registered professional engineer or architect or must meet or exceed the following minimum criteria: a minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding shall be provided. The bottom of all openings shall be no higher than one foot above grade. Openings may be equipped with screens, louvers or other coverings or devices, provided that they permit the automatic entry and exit of floodwaters.

- [5] Proposed structures to be located on slopes in special flood hazard areas, Zones AH and AD, shall include adequate drainage paths to guide floodwaters around and away from the proposed structures.

**§ 235-19. Shoreland Protection (SP) District.**

- A. Authority. The SP District is established in accordance with the provisions of RSA 483-B:8, Shoreland Protection Act, Municipal Authority.
- B. Purpose and intent. The purpose of the SP District is to establish standards for the use and development of shorelands adjacent to public waters, as defined herein. The intent of this chapter is to minimize the degradation of shorelands and assure the retention of benefits provided by such shorelands, including but not necessarily limited to the:
- (1) Maintenance of safe and healthy conditions.
  - (2) Prevention and/or control of water pollution.
  - (3) Protection of fish, bird and wildlife habitat.
  - (4) Reduction or elimination of flooding and accelerated erosion.
  - (5) Protection of wetlands and their important natural functions.
  - (6) Maintenance of water quantity and related stream flows during low flow periods.
  - (7) Protection of shoreland cover as a means of maintaining water quality.
  - (8) The conservation and protection of natural beauty and the scenic qualities which are critical attributes of the City of Laconia.
  - (9) Protection of the economic benefits that the natural beauty and the scenic qualities shoreland cover provide to tourism.
- C. Establishment of the SP District. The SP District shall include all land within 250 feet of the reference line of public waters as listed below. The SP District shall be superimposed upon other zoning districts in this chapter, and the regulations pertaining to the SP District shall be in addition to the regulations of the underlying districts and other City ordinances and regulations. Where any provision of these regulations imposes restrictions different from those imposed by any other ordinance, rule, regulation or other provision of law, whichever provisions are more restrictive or impose higher standards shall control, except where specifically exempted. The SP District is established in the following areas: **[Amended 10-14-1997 by Ord. No. 10.97.10]**
- (1) Lake Winnepesaukee from the Meredith Town line southeasterly to the intersection of Lakeside Avenue and Centenary Avenue and from the Gilford Town line westerly to the Commercial Resort District boundary line;
  - (2) The westerly side of Paugus Bay from Hilliard Road at Moultons Cove, southerly to the railroad crossing of School Street;

- (3) The easterly side of Paugus Bay from the boundary line shared by Tax Lots Nos. 75-248-2 and 74-248-4 southerly to the boundary line shared by Tax Lot Nos. 62-23-4 and 62-248-6 at the intersection of Weirs Boulevard, White Oaks Road and Lake Street;
  - (4) Lake Opechee from a point on a southwesterly projection of the center line of Fairmont Street, northwesterly to the most northerly point of the lake and continuing southeasterly to the Messer Street Bridge;
  - (5) The entire shoreline of Pickerel Pond; and
  - (6) Winnisquam Lake from the Meredith Town line, southeasterly to a point on a southwesterly projection of the center line of Fenton Street.
- D. Prohibited uses. The following uses, whether as defined in this chapter or as the terms are commonly understood, are prohibited in the SP District: **[Amended 10-14-1997 by Ord. No. 10.97.10]**
- (1) Establishment or expansion of salt storage sheds, junkyards and solid or hazardous waste facilities.
  - (2) Use of fertilizer, with the following exceptions:
    - (a) The use of lime and/or wood ash; or
    - (b) In conjunction with agricultural activities and operations.
  - (3) Bulk storage of chemicals fertilizer, pesticides or herbicides.
  - (4) Bulk storage of petroleum products or hazardous materials.
  - (5) Sand and gravel excavations as defined in RSA 155-E, Local Regulation, Excavation.
  - (6) Processing of excavated materials.
  - (7) Dumping or disposal of snow and ice collected from roadways or parking areas outside the district.
  - (8) Car washing facilities.
  - (9) Auto repair and body shops.
  - (10) Chemical and bacteriological laboratories.
  - (11) Commercial painting, wood preserving and furniture stripping.
  - (12) Dry cleaning.
  - (13) Electronic circuit assembly.
  - (14) Laundromats unless connected to a municipal sewer system.
  - (15) Metal plating.

(16) Photographic processing.

(17) Printing.

E. Subsurface waste disposal systems.

(1) The minimum lot size for new lots in areas not served by municipal sewer shall be as follows:

(a) Where the lot is served by a municipal water system, the minimum lot size shall be one acre, or as determined by the New Hampshire Department of Environmental Services (NHDES), Division of Water Supply and Pollution Control, whichever is the larger; or

(b) Where a municipal water system is not available to serve the lot, the minimum lot size shall be two acres, or as determined by the NHDES, Division of Water Supply and Pollution Control, whichever is the larger.

(2) All new lots created within the protected shoreland that are not served by a municipal sewer system are subject to subdivision approval by the New Hampshire Department of Environmental Services in accordance with the Division of Water Supply and Pollution Control publication Subdivision and Individual Disposal System Design Rules, Env-Ws 1000.

(3) All subsurface waste disposal systems must be designed and installed in accordance with the NHDES, Division of Water Supply and Pollution Control, publication Subdivision and Individual Sewage Disposal System Design Rules, Env-Ws 1000.

(4) The following conditions, based on the characteristics of the receiving soil as they relate to United States Department of Agriculture Natural Resource Conservation Service drainage classes, shall dictate the setback requirements for all new leaching portions of new septic systems, as follows:

(a) Adjacent to freshwater bodies:

[1] Where the receiving soil downgradient of the leaching portions of the septic system is porous sand and gravel material with a percolation rate faster than two minutes per inch, the setback shall be at least 125 feet from the reference line.

[2] For soils with restrictive layers within 18 inches of the natural soil surface, the setback shall be at least 100 feet from the reference line.

[3] For all other soil conditions, the setback shall be at least 75 feet from the reference line.

(b) Adjacent to rivers, the setback shall be at least 75 feet from the reference line.

F. Minimum requirements within specified areas of the SP District.

- (1) Vegetative buffer requirements.
  - (a) Whenever property is developed or redeveloped, a vegetative buffer shall be maintained or established within 50 feet of the reference line. The purpose of this buffer shall be to protect the quality of public waters by minimizing erosion, preventing siltation and turbidity, stabilizing soils, preventing excess nutrients and chemical pollution, maintaining natural water temperatures, maintaining a healthy tree canopy and understory, preserving fish, bird and wildlife habitat and respecting the overall natural condition of the protected shoreland.
  - (b) Within this area, dead, diseased, unsafe, noxious or fallen trees or saplings may be removed, provided that dead and living trees that provide dens and nesting places for wildlife are encouraged to be preserved.
  - (c) Within the vegetative buffer, the following shall apply:
    - [1] The existing natural shoreline shall not be disturbed except in compliance with all local, state (New Hampshire Wetlands Board New Hampshire Code of Administrative Rules Wt. 100-800) and federal regulations.
    - [2] Existing trees of less than four inches in diameter measured at 4.5 feet above the ground may be removed, and larger trees may be pruned, provided that a well-distributed stand of trees is maintained and that disturbance of the soil and forest floor is minimized.
- (2) Development standards.
  - (a) New lots; cluster development. **[Amended 10-14-1997 by Ord. No. 10.97.10]**
    - [1] New lots in conventional subdivisions shall have a minimum shoreland frontage of 150 feet.
    - [2] Cluster developments which grant exclusive shorefront access to dwelling units shall have a minimum average of 150 feet of shoreline per dwelling unit granted exclusive access rights.
    - [3] Cluster developments which provide shared shorefront access shall meet the requirements for § 235-41G, Common beach lot.
  - (b) New primary structures and additions to existing structures shall be set back at least 50 feet from the reference line of public waters, provided that no disturbance of the vegetative buffer area occurs within 30 feet of the reference line and that any disturbance within 30 and 50 feet of the reference line is revegetated and stabilized. **[Amended 10-14-1997 by Ord. No. 10.97.10]**
  - (c) No primary structure or additions thereto shall exceed 35 feet in height. **[Amended 10-14-1997 by Ord. No. 10.97.10]**

- (d) Total green space shall be no less than 70% of a lot. Within cluster developments, total green space shall be no less than 70% of the total development area utilized to calculate unit density. **[Amended 10-14-1997 by Ord. No. 10.97.10]**
  - (e) Roads and/or driveways shall be set back at least 50 feet from the reference line and shall be designed to minimize disturbance to existing natural vegetation and topography, except for bridges and bridge approaches and access ways for fire-fighting equipment.
  - (f) Water-dependent uses and structures, including but not necessarily limited to boathouses, beaches, docks and moorings, are permitted subject to receipt of a federal and/or state permit(s) in accordance with Wetlands Board Rules (New Hampshire Adm. Rules Wt 100-800), the State Programmatic General Permit and the Army Corps of Engineers Section 404 Permit, and any other applicable state and/or federal regulations.
- (3) Common beaches. Standards and provisions relating to shorefront lots which are intended for common access by non-shoreland property owners, within a development or subdivision which owns or has control over the common land, are addressed in Article VI, Supplementary Provisions.
  - (4) Nonconforming lots of record. The use of nonconforming lots of record within the SP District is addressed in Article X, Nonconforming Lots, Uses and Structures.
  - (5) Additional requirements for a building permit in the SP District. Application materials for a building permit in the SP District shall include the following:
    - (a) Photographs of the lot that display the extent of the existing vegetative buffer.
    - (b) A sketch plan that indicates the location and extent of existing stands of trees, shrub groups, grassed areas, exposed soil, and rock outcrop.
    - (c) A sketch plan indicating existing and proposed buildings, green space, septic systems and areas of disturbance.

**§ 235-20. Commercial Core Parking Overlay District.**

- A. The Commercial Core Parking Overlay District shall consist of all property lying within the area described as follows: Beginning at a point where Church Street (44) crosses the Winnepesaukee River, then running southerly and then southwesterly along the center line of the river to a point where Fair Street crosses the river; then running northerly along the center line of Fair Street and continuing northerly in this same direction to the boundary between MSL 441-74-25 & 26 to the rear boundary of 441-74-26; then northeasterly along said rear boundary to Cross Street (58) to the rear boundary of 441-167-29; then easterly along said rear boundary and continuing along the rear boundary of 441-167-30 & 31; then westerly along the boundary between 443-58-21 and 443-167-4 to the rear boundary of 443-167-4; then along said rear boundary to the boundary between 443-186-10 and 443-167-5 & 6; then easterly along the boundary

between 443-167-6 and 443-186-8; then along the boundary between 443-186-8 and 443-186-7 to Pleasant Street (186); then easterly along the center line of Pleasant Street (186) to the boundary between Lots 443-186-79 & 80; along said boundary and continuing along the boundary between 443-186-79 and 443-167-81 and then westerly along the boundary 443-186-79; then northwesterly along the boundary between 424-101-67 and 424-101-79 to Harvard Street (101); then easterly along the center line of Harvard Street to Main Street (142); then northerly along Main Street (142) to the boundary between lots 424-142-78 & 77; then easterly along said boundary and continuing easterly along the rear boundary of 424-176-26; then turning south and continuing southerly along the boundary between 424-142-78 and 424-176-23 to and across the State of NH RR to and along the boundary between 432-44-1 (library) and 425-158-1 (church) to Church Street (44); then along the center line of Church Street (44) to the point of beginning. [Amended 5-22-2000 by Ord. No. 05.2000.05]

- B. The Commercial Core Parking Overlay District is intended to recognize and encourage the special aggregation and concentration of uses that occur and are desired in the downtown commercial core area, traditionally referred to as the "central business district." This area is characterized by a high intensity of use, a dense and connective fabric of buildings and a dynamic, ever-changing mix of uses. This density of use generates high parking demand and is typically characterized by multipurpose vehicle trips. Sufficient and reasonably convenient parking in the commercial core area should be provided through joint public and private efforts on a block and/or district level.

**§ 235-21. Housing Redevelopment Overlay District (HROD).**

- A. The Housing Redevelopment Overlay District is established in order to promote the redevelopment of affordable housing units, to encourage investment in multiunit housing stock, to increase the quality of living conditions for renters, to provide rental housing in close proximity to the central business district and to preserve the character of the City's urban neighborhoods. This district provides opportunity for the redevelopment of properties with duplex and multiunit housing stock in densities similar to those initially constructed or currently existing within the district.
- B. Requirements for the Housing Redevelopment Overlay District (HROD) shall be as stated in the underlying zoning district except as follows:
- (1) Lots eligible for redevelopment.
    - (a) Duplex and multifamily housing lots. Lots developed for duplex or multifamily housing as indicated in the City Assessor's records as of July 17, 1995, may be redeveloped for duplex and multifamily housing.
    - (b) Single and undeveloped lots. Lots developed for single-family housing and undeveloped lots existing as indicated in the City Assessor's records as of July 17, 1995, may be included in a consolidation for redevelopment, provided that the area of the lots does not exceed 25% of the total lot area to be redeveloped.

- (c) Nonresidential lots. Redevelopment under this section shall not include lots which have nonresidential uses as their primary use.
- (2) Lot consolidation. Lots which meet the requirements under Subsection B(1) above and the requirements below may be consolidated for redevelopment under this section.
  - (a) Contiguous lots: lots which face parallel streets and share a minimum of 25 feet of contiguous area along property lines; or
  - (b) Lots which are adjacent to one another, have frontage along the same street and share a minimum of 50% of the length of contiguous property lines as of July 17, 1995.
- (3) Density permitted. Unit density within the district shall be computed as the total number of units divided by the total parcel acreage. Density is limited to 12 units per acre or the current unit density of the redevelopment area, whichever is less.
- (4) Green space. A minimum of 25% of the lot area shall be dedicated to green space.
- (5) Setbacks. Minimum setbacks from property lines shall be as follows:
  - (a) Front setback: average of the setbacks of the existing dwellings or buildings on the immediately adjacent lots or 10 feet, whichever is greater.
  - (b) Side setback: 10 feet of the distance of the existing dwelling to the property line, whichever is less.
  - (c) Rear setback: 15 feet or the distance of the existing dwelling to the property line, whichever is less.

**§ 235-22. Water Supply Protection Overlay District (WSP).**

The Water Supply Protection Overlay District is created for the purpose of protection of the water supply for the City and its inhabitants. It shall be defined as that land area and portion of Paugus Bay described as: Beginning at a point being the most northerly point of land along the easterly shore of Paugus Bay (owned by James R. Irwin and Sons, Inc., known as "Irwin Marine boatyard," and being Tax-Street-Map No. 54-220-4), approximately where it abuts the southerly end of the Laconia Water Works property, thence running in a westerly direction toward a bound on the westerly side of Paugus Bay at a point where the State of New Hampshire railroad bridge meets the shore, thence running northerly along the shore to a point on the westerly side of Paugus Bay known as "Cass' Point," owned by James R. Irwin and Sons, Inc. (more specifically, where the four-by-eight sign installed by the Laconia Water Works reads "RESTRICTED AREA - WATER SUPPLY"), thence running in an easterly direction in an imaginary line across Paugus Bay to a point of land at Irwin's Boat Storage Facility, formerly known as "Tekwood" (at a point where Irwin's property abuts the Stanley Brox property), then running in a southerly direction along the shore of Paugus Bay to the point of beginning.

- A. Restrictions shall apply to land uses and access to Paugus Bay for a depth of 50 feet from the reference line of Paugus Bay.
- B. No sewage, industrial or other waste as defined by the State of New Hampshire shall be discharged into Paugus Bay.
- C. No use or activity shall take place that results in the washing of boats, bathing of persons, swimming, the placement of bobhouses on the ice, waterskiing and other water sports nor shall any person have bodily contact with that portion of Paugus Bay within the district.
- D. No commercial accessory dock, residential dock, boat launch, breakwater or other marine structure shall be constructed without the approval of the Laconia Water Commission and the State of New Hampshire.

#### ARTICLE IVA

##### Impact Fees

[Added 8-13-2001 by Ord. No. 05.2001.05]

#### § 235-22.1. Statutory authority; purpose.

This article is enacted pursuant to RSA 674:16 and 674:21 and in order to:

- A. Promote public health, safety, convenience, welfare and prosperity;
- B. Ensure that adequate and appropriate facilities are available to individuals who may come to be located in the City of Laconia;
- C. Prevent scattered or premature development of land as would involve danger or injury to health, safety or prosperity by reason of the lack of water supply, drainage, transportation, schools, fire protection or other public services, or necessitate the excessive expenditure of public funds for the supply of such services;
- D. Provide for the harmonious development of the municipality and its environs;
- E. Ensure the proper arrangement and coordination of streets; and,
- F. Ensure streets of sufficient width to accommodate existing and prospective traffic.

#### § 235-22.2. Authority of Planning Board.

- A. The Planning Board may, as a condition of approval of any subdivision or site plan, and when consistent with applicable Board regulations, require an applicant to pay an impact fee for the applicant's fair share of off-site improvements to public facilities affected by the development.
- B. Nothing in this section shall be construed to limit the existing authority of the Planning Board to disapprove proposed development which is scattered or premature or which would require an excessive expenditure of public funds or which would otherwise violate applicable ordinances and regulations. Nothing in this section shall be construed to limit