

Introduced: 05/15/00
Second Read: 06/19/00
Public Hearing: 06/19/00
Adopted: 06/19/00

ORDINANCE 2000-04

*AN AMENDMENT TO THE ZONING ORDINANCE
RELATING TO THE R-III DISTRICT*

WHEREAS the Londonderry Planning Board has voted to amend the Zoning Ordinance of the Town of Londonderry to reflect certain changes; more specifically, to revise Section V - Multi-Family Residential (R-III); and

WHEREAS the Londonderry Town Council is vested with the power to effect such changes to the Zoning Ordinance; and,

NOW THEREFORE BE IT ORDAINED by the Town Council of the Town of Londonderry that the Zoning Ordinance of the Town of Londonderry, Section V - Multi-Family Residential (R-III), is hereby amended as attached.

Andrew P. Greco
Chairman - Londonderry Town Council

A TRUE COPY ATTEST:
06/05/00

Marguerite Seymour
Town Clerk

TOWN OF LONDONDERRY, N.H.
ZONING REGULATIONS
REVISED 1999

Section V - (501 - 503.A.1.c)

Chapter 1—ZONING ORDINANCE

SECTION V—MULTI-FAMILY RESIDENTIAL (R-III)

501 Objectives and Characteristics

The Multi-Family (R-III) District is designed to permit an increased residential density in areas where municipal services make it appropriate and to promote flexibility in the design of residential projects with various housing types, reduced lot sizes and modified dimensional requirements, while maintaining a fixed maximum density. Flexible design can provide for the appropriate use of the land, facilitate the economical and efficient provision of public services, promote open space conservation, protect the natural and scenic attributes of the land and expand opportunities for the development of affordable housing.

502 Uses

A. Permitted Uses

1. Multi-family dwellings and accessory uses, including recreation facilities, maintenance buildings, and rental offices.
2. Agriculture
3. Public Utilities
4. Assisted Living Facilities (see Section 503.D) and accessory uses
5. Nursing Home Facilities and accessory uses.
6. Single Family Dwellings, provided that at least seventy five percent (75%) of such dwelling units shall be restricted housing for older persons under the Fair Housing Act, as amended, 42 USC 3601, et.seq., and RSA 354-A:15. Such restrictions shall be secured by restrictive covenants or similar instrument, approved by the Board, recorded in the Registry of Deeds.
7. Two (2) Family Dwellings, provided that at least seventy five percent (75%) of such dwelling units shall be restricted housing for older persons under the Fair Housing Act, as amended, 42 USC 3601, et.seq., and RSA 354-A:15.

503 Regulations and Design Criteria

A. Development Plan

1. The Applicant shall prepare and submit to the Planning Board for approval of a development Plan of the tract proposed for development (“Development Lot”), which locates the proposed types of residential development, utilities, access roads and streets. (“Development Plan”).
 - a. The Development Plan shall include general, conceptual site and architectural plans sufficiently detailed to show the intended land uses, structures, improvements, and other features necessary to demonstrate compliance with this Section and other applicable provisions of the Zoning Ordinance.
 - b. The Applicant may elect to develop the Development Lot in phases
 - c. Final approval of development of any portion of the Development Lot shall require site plan approval according to the site plan regulations of the Planning Board.

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Section V - (503.A .1.d- 503.B.1.b)

Chapter 1—ZONING ORDINANCE

SECTION V—MULTI-FAMILY RESIDENTIAL (R-III) (Cont'd)

503 Regulations and Design Criteria (Cont'd)

A. Development Plan (Cont'd)

1. The Applicant shall prepare.. (Cont'd)
 - d. Once development of any portion of the Development Lot begins, no portion of the Development Lot may thereafter be developed or used except in conformity with the approved Development Plan, or an amended Development Plan approved by the Board.
- 2.. The Development Lot may, but need not, be divided into two or more smaller legal separate lots of record (“Internal Legal Lots”), which shall require subdivision approval by the Planning Board.
3. The density, design and dimensional requirements of Section 503.B shall be applied to the Development Lot and not the Internal Legal Lots.
4. The Internal Legal Lots, if any, shall be subject to the density, design and dimensional requirements of Section 503.C.
5. The applicant shall be permitted to allocate Permitted Density among the Internal Legal Lots in any manner so long as the sum total of development for all Internal Legal Lots does not exceed the Permitted Density for the Development Lot.

B. Density, Design and Dimensional Standard for Development Lot

1. Permitted Density - the maximum permitted number of dwelling units (“Permitted Density”) allowed in the Development Lot shall be as follows
 - a.* For dwellings serviced by municipal sewer, the maximum number of dwelling units permitted on the Development Lot shall be determined by the following formula: $\text{Number of Dwelling Units} = 0.80 (\text{Development Lot Area} - \text{Unusable Land Area}) / 7000 \text{ Square Feet}$. “Unusable Land” is defined as wetlands, excessive slopes (greater than 25%) and land subject to existing utility and drainage easements.
 - b.* For dwellings serviced by onsite septic systems, there shall be at least 14,000 square feet per dwelling unit. In addition, to protect ground water quality and to promote public health and safety, Permitted Density shall also be subject to such additional density requirements as are required by “Minimum Lot Size by Soil Type” in Table 2 of Section 403.A, with the following modification: One or two bedroom units - lot size x 0.65. Three bedroom units = lot size x 0.85.

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Section V - (503 B.1.c - 503.B.5)

Chapter 1—ZONING ORDINANCE

SECTION V—MULTI-FAMILY RESIDENTIAL (R-III) (Cont'd)

503 Regulations and Design Criteria (Cont'd)

- B. Density, Design and Dimensional Standard for Development Lot (Cont'd)
1. Permitted Density (Cont'd)
 - c. The maximum number of dwelling units per dwelling shall be twenty four (24).
 - d. The average number of bedrooms per dwelling unit in a multifamily dwelling shall not exceed two (2).
 2. Screening, Landscaping and Glare - The Development Plan and the Internal Legal Lots shall be designed to screen parking lots from streets by building location, grading or screening and to minimize glare on adjoining properties. Glare from any use of land, including site illumination, shall not exceed 0.2 foot candles, measured at ground level, at or beyond the perimeter of the Development Lot. Lighting fixtures shall be designed for downward casting of light. Major topographic changes or removal of existing trees shall be avoided wherever possible, and water, wetlands and other scenic views shall be preserved wherever possible.
 3. Open Space - No less than the area calculated below shall be retained as unoccupied space free of all buildings, parking and pavement, including street access, drives and walks paved with impervious materials, (but such unoccupied open space may include so-called nature walk areas and the like and other recreational uses approved by the Planning Board.) Open space shall be owned by undivided interests appurtenant to lot ownership. Such Open Space shall either be maintained in its natural state (except for the walking paths or other uses approved by the Planning Board) or shall have appropriate landscaping of grass, shrubbery, trees, flowers, or suitable ground cover indigenous to the area.
 - a. Total Open Space shall not be less than forty percent (40%) of the total Development Lot area
 - b. Open Space shall exclude the area within fifteen feet (15') of each building around its entire perimeter.
 - c. Usable Open Space shall not be less than twenty five percent (25%) of the total Development Lot area. "Usable Open Space" shall not include "unusable land" as defined in Section 503.B.1.a.
 4. Road Design - Internal roads shall conform to Town standards for roads in new subdivisions
 5. Building Separation - Single family or two family dwellings shall be at least twenty feet (20') from other dwellings. Multi family dwellings and other buildings shall be at least thirty feet (30') from other dwellings. Up to three (3) buildings may be interconnected by a covered walkway or breeze way for reasons of convenience and shelter from the elements, if such walkway shall not, in the opinion of the Planning Board (after consultation with the Fire Department) impair access to the buildings by emergency vehicles and equipment.

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Section V - (503 B.6 - 503.B.8.c)

Chapter 1—ZONING ORDINANCE

SECTION V—MULTI-FAMILY RESIDENTIAL (R-III) (Cont'd)

503 Regulations and Design Criteria (Cont'd)

B. Density, Design and Dimensional Standard for Development Lot (Cont'd)

6. Dimensional Requirements (Cont'd)

- a. Minimum structure setbacks from the perimeter of the Development Lot shall be as follows: Front - 40 Feet; Side - 35 Feet; Rear - 30 Feet. If the Development Lot abuts more than one existing and/or proposed external right-of-way, the building setback will be forty (40') feet from each right-of-way.
- b. Maximum building height shall not exceed (50') fifty feet (excluding non-occupied features such as towers, cupolas, etc.)
- c. Maximum building footprint coverage as a percentage of the Development Lot shall not exceed fifty five percent (55%).
- d. The Development Lot shall have a minimum frontage of a State Highway or Town maintained road of Class V designation or better of at least one hundred feet (100') in the aggregate, which may consist of two (2) fifty foot (50') rights-of-way serving as access to the Development Lot.

7. Parking

- a. A minimum of two (2) parking spaces per dwelling unit shall be provided for single family and two family dwellings.
- b. A minimum of two and one-half (2.5) parking spaces per dwelling unit shall be provided for multi-family dwellings. Parking spaces may be located offsite (ie: off the Internal Legal Lot so long as the offsite parking is located within the Development Lot) and the parking spaces shall be within four hundred feet (400') of the building they are intended to serve.
- c. Assisted Living and Nursing Home uses shall require one half (0.5) a parking space per resident unit or bed, plus one per employee.
- d. Parking for other uses shall comply with standards applicable to such uses in other Districts.
- e. Parking areas shall be designated in accordance with requirements for parking areas set forth in the Zoning Ordinance.

8. Perimeter Buffer - a Perimeter Buffer to separate and screen incompatible land uses shall surround the Development Lot except where streets enter the Development Lot. The buffer shall include a combination of physical space and vertical elements such as plants, berms, fences or walls, as approved by the Board. The width of the buffer area shall vary according to the abutting zoning district as follows:

- a. Agricultural-Residential: One hundred feet (100') where directly abutting; fifty feet (50') where highway separates R-III and AR-I District.
- b. Commercial or Industrial: Fifty feet (50') where directly abutting, no buffer where highway separates R-III and a "C" or "I" District.
- c. Multi-family Residential: No buffer.

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Section V - (503 C.1 - 503.D.2)

Chapter 1—ZONING ORDINANCE

SECTION V—MULTI-FAMILY RESIDENTIAL (R-III) (Cont'd)

503 Regulations and Design Criteria (Cont'd)

C. Additional Dimensional Standards for Internal Lots:

1. Single and Two-Family Dwelling Lots:

- | | | |
|----|-------------------|--|
| a. | Minimum lot area | 5,000 SF/Unit |
| b. | Minimum lot width | 50 Ft/Unit |
| c. | Minimum setbacks | Front - 25 Feet Side - See note below Rear - 20 Feet |

Note: Side Setbacks may be reduced to any dimension as long as distance between Buildings on contiguous lots is greater than twenty feet (20').

2. Multi Family Dwelling Lots

- | | | |
|----|-------------------|---|
| a. | Minimum lot area | 7,000 SF/Unit |
| b. | Minimum lot width | 50 Ft/Unit |
| c. | Minimum setbacks | Front - 40 Feet Side - 15 Feet Rear - 30 Feet |

3. Other Allowed Uses - Yard dimensions for all other uses shall be as per the Development Lot external lot standards referenced in Subsection 503.B.6 (Dimensional Requirements) above

D. Assisted Living Facilities and Nursing Homes

1. Assisted Living Facilities shall be defined as facilities licensed under RSA 151 for elderly(over 55 years of age) or disabled individuals, which provide onsite services that support independent living for residents, including, at a minimum, communal dining facilities, and may include onsite personal care services, housekeeping and linen service and the supervision of self-administered medications.
2. Density - for purposes of this Ordinance “assisted living facilities” and “nursing home facilities” serviced by municipal sewer shall not be subject to density standards of Section 503.B; provided that such a facility shall be subject to the density standards of 503.B.1.a ,and b and d in the event that the facility has been included in an analysis of the “substantial positive tax impact” to obtain an exemption from growth management phasing and permit limitations. For density purposes, two bedrooms shall be equivalent to one dwelling unit, whether or not the facility includes full dwelling units.

~~End of Section~~