

# ORDINANCE #2002-15

An Ordinance Relative to the

## ***Amend Municipal Code - Section IV- AR; and Section VII - Subdistrict Uses; and Section XXIII - Signs***

First Reading:11/04/02

Second Reading/Public Hearing: 11/18/02

Adopted: 11/18/02

**WHEREAS** the Londonderry Planning Board voted to amend the Zoning Ordinance to update certain sections of the Zoning Ordinance ; and,

**WHEREAS** the Londonderry Town Council is desirous of maintaining its policies and municipal code through periodic update as administrative conditions require;

**WHEREAS** the Londonderry Town Council wishes to amend the Zoning Ordinance to reflect said adoptions, and renumber subsequent sections to the code as appropriate,

**NOW THEREFORE BE IT RESOLVED** by the Londonderry Town Council that the Zoning Ordinance, Section IV - Agricultural/Residential; Section VII - Commercial District and Section XXIII - Signs, revised copies of which are attached, are hereby adopted.

John Silvestro - Chairman  
Town Council

( TOWN SEAL )

Marguerite Seymour - Town Clerk/Tax Collector

**A TRUE COPY ATTEST:**

11/18/02

**TOWN OF LONDONDERRY, N.H.**  
**ZONING REGULATIONS**  
**REVISED 2002**

**Section IV (403.B - 407.A)**

**Chapter 1—ZONING ORDINANCE**

**403 Residential Lot Size**  
**Requirements (Cont'd)**

B. Minimum Frontage on a Class V or better road

Single Family Dwelling 150 Feet

Two Family Dwelling 200 Feet

C. Minimum setback distances for structures from property line (all uses)

Front 40 feet

Side 15 Feet

Back 15 Feet

If a property abuts more than one existing and/or proposed right of way, the building setback will be forty (40) feet from each right of way.

D. Maximum height of structure (all uses with the exception of agricultural purposes) is thirty five (35) feet.

**404 Livestock**

A. Agricultural livestock, poultry, and horses will not be permitted except on lots containing two acres or more. All buildings, runs, pens, and kennels (excluding pastures) will be located a minimum of 25 feet from any property line. This lot size and setback requirements also pertain to dog kennels.

At no time shall a public nuisance be created as to sight, sound, smell, or any other action which would interfere with nearby property owner's rights. Exempted from this provision are domestic pets as defined in this Ordinance.

B. Commercial piggeries or mink farms established for the raising, care, and keeping of pigs or minks as business in any district shall not be permitted. The raising of pigs for one's own home consumption shall be permitted, providing that in so doing, a public nuisance is not created and the operation does not offend by reason of the emission of smoke, noise, odors, or fumes.

**405 Location of Religious Facilities (churches, synagogues, temples, mosques, and other places of religious worship).**

A. **Religious Facilities** in residential districts must be on lots of two acres minimum and must have traffic access onto arterial or collector streets.

B. All buildings and the parking lot associated with a **Religious Facility** will be set back a minimum of **20 feet** from all adjacent residential lots, **in accordance with Section 5.02 of the Site Plan Regulations**. The landscaping of this setback buffer zone will be approved by the Planning Board.

C. Prior to construction or occupation, a sewage disposal plan will be approved and signed by the New Hampshire Water Supply and Pollution Control Commission.

D. **Parking for Religious Facilities shall be determined by the requirements of Section 703.G, Table 1 of this Ordinance.**

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**Section VII - (702.A.1.m.4.b - 702.B.1.g)**

**Chapter 1—ZONING ORDINANCE**

**SECTION VII—COMMERCIAL DISTRICT (Cont'd)**

**702 Subdistrict Uses (Cont'd)**

**A. Commercial I (C-I) (Cont'd)**

**1. Permitted Uses: (Cont'd)**

**m. Sexually Oriented Businesses (Cont'd)**

**4. Performance Standards: (Cont'd)**

b. Screening: "Sexual Conduct" including instruments, devices or paraphernalia which are designed for use in connection with sexual conduct or their images, shall not be visible in any fashion whatsoever from the outside of the building where the business is located.

c. Signage: Signage shall comply with Section XXI - Signage, of this Ordinance. Signs shall not include nudity or include images or references to sexual conduct, whether actual or simulated, or instruments, devices, or paraphernalia which are designed for use in connection with sexual conduct.

d. This use is subject to Site Plan Review.

e. Noise - No prurient sounds associated with sexual conduct shall be audible outside the building or portion of the building in which business is conducted.

5. Severability - the invalidity of any section or provision of this article shall not invalidate any other section or provision thereof.

***n. Religious Facilities (churches, synagogues, temples, mosques, and other places of religious worship).***

2. Facilities for the maintenance or repair of machinery, large appliances, and equipment having internal combustion engines are prohibited in this district.

**B. Commercial II (C-II)**

This district is primarily intended to encourage the development of business areas designed to serve the motoring public.

**1. Permitted Uses:**

**a. Uses permitted within the C-I district**

b. Retail establishments for the sale of automotive supplies and the sale and maintenance of automobiles, trucks, motorcycles, boats, snowmobiles, trailers, mobile homes, camping and similar type vehicles

**c. Motels and hotels**

**d. Drive-in theaters, drive-in establishments.**

**e. Gasoline service stations and garages for automobile repair**

***f. Religious Facilities (churches, synagogues, temples, mosques, and other places of religious worship).***

**g. Uses permitted within the Industrial I district**

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**Section VII - (702.C.1 - 702.d.4)**

**Chapter 1—ZONING ORDINANCE**

**SECTION VII—COMMERCIAL DISTRICT (Cont'd)**

**702 Subdistrict Uses (Cont'd)**

C. Commercial III (C-III) - This district is primarily intended for business-professional offices and residential use.

1. Permitted Uses:

a. Professional offices including doctors, dentists, lawyers, engineers, architects and such other uses normally considered as general business offices including insurance, real estate, banking and retail businesses within these permitted buildings exclusively for the convenience of the tenants

b. Churches

c. Educational establishments

d. Funeral homes

e. Nursing homes

f. Child Day Care Facilities

g. Excavation and Temporary Manufacturing Plants as an accessory use.

2. Special Exception

a. Single-family detached and two-family owner occupied dwellings.

D. Commercial IV (C-IV)

This district is primarily intended for neighborhood commercial and office use, limiting the size, scale and expansion of neighborhood commercial uses in order to minimize traffic volumes and congestion, and other adverse impacts on the neighborhoods in which said establishments are located. All uses within the C-IV District shall be subject to the Site Plan Regulations and must have building renderings reviewed by the Heritage Commission for their recommendation on the building design prior to the Planning Board approving any site plan.

1. Permitted uses

a. Convenience/Variety/Grocery Stores with a maximum building footprint of 3,500 square feet;

b. Professional offices including, but not limited to, dentists, doctors, lawyers, architects and such uses normally considered as general offices with a maximum building footprint of 3,500 square feet;

c. Residential units (except on the ground floor) within buildings housing commercial uses;

d. Dry cleaning outlets with a maximum building footprint of 3,500 square feet;

e. Barber and beauty shops with a maximum building footprint of 3,500 square feet;

f. General service and repair shops (non-automotive) such as for jewelry, clocks, radios, televisions, computers, electronics, small appliances, bicycle repair and services of a similar nature, with a maximum building footprint of 3,500 square feet;

g. Retail stores or shops including clothing, appliance, hardware, drug and variety stores, with no drive-in windows and maximum building footprint of 3,500 square feet.

***h. Religious Facilities (churches, synagogues, temples, mosques and other places of religious worship).***

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**Section VII - (703.E.1.d - 703.H.2.a)**

**Chapter 1—ZONING ORDINANCE**

**SECTION VII—COMMERCIAL DISTRICT (Cont'd)**

**703 General Standards (Cont'd)**

E. Building Design (Cont'd)

1. To enhance....(Cont'd)

d. Sidewalks

e. Building shape

2. Building coverage of the site will not exceed twenty-five (25) percent of the lot area.

F. Vehicle Access - See regulations listed in Section VI, paragraph 603 F.

G. Parking Standards - See regulations listed in Section VI, paragraph 603 and Table 1 of this section to determine the quantity of spaces required for specific uses.

**TABLE 1**

<b>PARKING STANDARDS USE</b>	<b>UNIT OF MEASUREMENT</b>	<b>SPACES REQUIRED PER UNIT OF MEASUREMENT</b>
Retail Stores	Gross floor area (GFA)	1 per 200 square feet of GFA
Professional and Business office	Gross floor area	4.5 per 1,000 square feet of GFA
Restaurants	Number of seats and number of employees	One-third (1/3) per seat one-third (1/3) per employee
Theaters, assembly halls, <i>Religious Facilities</i>	Seats or linear feet of bench space	1 per each three (3) seats or 2 linear ft.
Community Centers, facility ,private club or lodge	Gross floor area	1 space per 200 square feet commercial recreation, entertainment of GFA, plus 25 spaces
Drive-in restaurant	Gross floor area	1 per 50 square feet GFA, plus additional 25
Gasoline service	Pumps, service bays	1 per gasoline pump, plus stations 2 per service bay, plus 6
Bowling Lanes	Lanes	Four (4) per lane
Mixed Uses	Varied	Sum of component uses computed separately