

# ORDINANCE #2003-02

An Ordinance Relative to the  
***Amend Municipal Code - Title III- Land Use Codes,  
Chapter I - Zoning Ordinance, Section IX - Conservation District***

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First Reading: 01/20/03

Second Reading/Public Hearing: 02/10/03

Adopted: 02/10/03

***WHEREAS*** the Londonderry Planning Board voted at its December 11, 2002 meeting to accept the recommendations made by the Conservation Commission to amend Section IX, subsection 907.c to address condominium conversions; 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 Municipal Code, Title III - Land Use Codes, Chapter I - Zoning Ordinance, Section IX - Conservation District, Subsection 907.c, is hereby amended as attached.

John Silvestro - Chairman  
Town Council

( TOWN SEAL )

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Marguerite Seymour - Town Clerk/Tax Collector

*A TRUE COPY ATTEST:*  
02/10/03

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

**Section IX - (905.C - 908)**

**Chapter 1—ZONING ORDINANCE**

**SECTION IX—CONSERVATION OVERLAY DISTRICT (CO) (Cont'd)**

**905 DREDGE & FILL PERMITS AND CO DISTRICT MITIGATION (Cont'd)**

1. Nothing in Section IX is intended to prohibit inclusion of land in the CO District when determining minimum lot size requirements under other sections of this ordinance, provided however, that the land area outside of the CO District shall be sufficient to support all intended development in accordance with the then existing terms of the ordinance.

**906 PRE-EXISTING RESIDENTIAL STRUCTURES, USES, AND LOTS**

2. Notwithstanding other provisions of Section IX, the construction of additions and extensions to one and two family dwellings and accessory residential uses shall be permitted within the CO District provided that:

1. The dwelling or residential use lawfully existed prior to the adoption of Section IX by the Town Council;
  2. The proposed construction conforms to all other applicable ordinances and regulations of the Town of Londonderry;
  3. The dwelling or use continues in its present use.
3. Buildable residential lots, existing at the time of passage of the Section IX by the Town Council, shall be exempt from Section IX.

**907 PRE-EXISTING SUBDIVISIONS AND SITE PLANS:** Subdivisions and site plans approved by the Planning Board and existing at the time of passage of the Section IX shall be exempt from Section IX, as governed by the provisions of NH RSA § 674:39. This ordinance becomes applicable in the following situations:

4. Non-Residential Site Plans for additions, expansions, or changes in use.
5. Site Plans for new commercial, industrial, or multi-family development.
6. New subdivisions. (*Condominium Conversions where there are no improvements proposed to a site are exempt from Section IX.*)

**908 BOARD OF ADJUSTMENT NOTE.**

Any variance or appeal to the Zoning Board of Adjustment, shall be in accordance with NH RSA § 676:5 and Section XI of this Ordinance. Prior to holding a public hearing on an appeal or variance, the Zoning Board shall forward a copy of the plan and application form to the Conservation Commission for review and comment. The Conservation Commission shall, after reviewing the plan and application, forward any appropriate recommendations to the Zoning Board of Adjustment for their consideration.