

Introduced: 01/21/02

Second Read: 02/04/02
Public Hrg: 02/04/02
Adopted: 02/04/02

Ordinance 2002-02
AN AMENDMENT TO THE ZONING ORDINANCE
RELATING TO COMMERCIAL DISTRICTS

WHEREAS the Londonderry Planning Board voted on January 16, 2002 to recommend certain revisions to the Commercial District section of the Zoning Ordinance; and,

WHEREAS the Londonderry Town Council is desirous of amending the Zoning Ordinance, Section VII-Commercial District, to include revisions to said Ordinance; and,

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

WHEREAS the Town Council recognizes that such change will promote the orderly maintenance and update of the Zoning Ordinance;

NOW THEREFORE BE IT ORDAINED by the Town Council of the Town of Londonderry that Section VII - Commercial District Ordinance, is revised as heretofore attached.

Mark G. Oswald
Chairman - Londonderry Town Council

A TRUE COPY ATTEST: _____
02/05/02 Marguerite Seymour - Town Clerk

SECTION VII—COMMERCIAL DISTRICT (Cont'd)

703 General Standards (Cont'd)

- L. Curb and Gutter-Curb and gutter shall be installed where deemed necessary by the Dir. of Public Works, within off-street parking and loading areas in order to manage storm drainage, channelize traffic, protect buildings and landscaping areas, separate pedestrian and vehicular circulation areas.
- M. Sidewalks and Pedestrian Facilities - Sidewalks shall be provided on-site, as necessary to protect pedestrians and promote the safe and efficient movement of pedestrian and vehicular movement. Sidewalks shall have a minimum unobstructed width of four feet. Sidewalks which are constructed to a six-foot width and directly abut the front of a parking or loading space may include two feet of the sidewalk width when determining the length of the parking or loading space.

N. Lighting

- 1. Exterior lighting, except for overhead street lighting and warning, emergency, or traffic signals, shall be installed in such a manner that the light source will be sufficiently obscured to prevent glare on public street and walkways or into any residential area. The installation or erection of any lighting which may be confused with warning signals, emergency signals, or traffic signals shall be unlawful.
- 2. The design, type and location of all exterior lighting fixtures and standards for illumination shall be subject to Planning Board approval.

O. Utilities

All electric power and communication systems lines shall be installed underground within the site

704 Planning Board Review

In accordance with RSA 36-19-a, adopted March 6, 1973, the Londonderry Planning Board will review and approve or disapprove plans for the development of land tracts for non-residential uses whether or not such development includes a subdivision or re-subdivision of the site.

705 Conditional Use Permits

- A. As provided for in RSA 674:21, Innovative Land Use Control, this section of the zoning ordinance shall provide for the granting of conditional use permits, by the Planning Board, as follows:
 - 1. **The Planning Board shall then vote either to approve a conditional use permit as presented, approve it with conditions, or deny it.**
 - 2. **Prior to the granting of any conditional use permit, the applicant may be required to submit a performance security in a form acceptable to the Planning Board, depending on the scale of the proposed use. The security shall be submitted in a form and amount with surety and conditions satisfactory to the Planning Board to ensure that the construction will be carried out in accordance with the approved design. The security shall be submitted and approved prior to the issuance of any permit authorizing construction.**
 - 3. *The applicant may also be assessed reasonable fees to cover the cost of other special investigative studies and for the review of documents required by particular applications, reviews by the Town's legal counsel, and any third party consultant as may be required by the Planning Board per section 2.01 d of the Site Plan Regulations.*

TOWN OF LONDONDERRY, N.H.
ZONING REGULATIONS
REVISED 2001
Section VII - (705.B - 705.B.6)
Chapter 1—ZONING ORDINANCE

SECTION VII—COMMERCIAL DISTRICT (Cont'd)

705 Conditional Use Permits (Cont'd)

B. *The following criteria must be satisfied in order for the Planning Board to grant a conditional use permit in the Commercial District:*

- 1. Granting of the application would meet some public need or convenience.*
- 2. Granting of the application is in the public interest.*
- 3. The property in question is reasonably suited for the use requested.*
- 4. The use requested would not have a substantial adverse effect on the rights of the owners of surrounding properties.*
- 5. The traffic generated by the proposed use is consistent with the identified function, capacity, and level of service of transportation facilities serving the community*
- 6. There must be appropriate provision for access facilities adequate for the estimated traffic from public streets and sidewalks, so as to assure public safety and to avoid traffic congestion.*

~~End of Section~~