

ARTICLE V RESIDENTIAL DISTRICTS

A Building may be erected, Altered or Used, and a Lot may be Used or occupied, only for the following purposes and in accordance with the following provisions:

A. Uses Permitted

1. Single-Family or Two-Family Dwelling, except as otherwise provided in this Ordinance.
2. Municipal Buildings and Public Schools.
3. Home Occupations/Home Businesses in conformance with the provisions of Article II, Section 15-Home Occupations/Home Businesses. A Home Occupation is a Use permitted by right and not subject to the Site Plan Review process. A Home Business shall receive approval of a Site Plan Review from the Planning Board prior to being established.
4. Home food and home garden produce may be exposed for sale in this district.
5. Farm and garden activities are permitted, but any Use injurious, obnoxious, or offensive to the neighborhood is prohibited.
6. Forestry in accordance with Best Management Practices (BMPs) for Forestry.
7. Accessory Building with or without the main Building on the Lot.
8. Accessory Uses.
9. Essential Services.

B. Lot Area Requirements

1. For Lots within the Residential District R-1 not using public sewer and water services, the minimum Lot area shall be not less than two acres and the road Frontage not less than 150 feet of continuous Frontage with population density of one Family per acre except as specifically provided in sub-section 5.
2. For Lots within the Residential District R-2, the minimum Lot area shall be not less than two acres and the road Frontage not less than 150 feet of continuous Frontage with a population density of one Family per two acres except as specifically provided in sub-section 5.
3. For Lots within the Residential District R-1 using public sewer and water services, the minimum Lot size shall be not less than ~~20,000~~ **10,000** square feet, and the continuous Frontage and depth not less than 100 feet, and with population density of one Family per 10,000 square feet.

4. Wherever required by reason of topography, subsoil or the need for adequate sewage area, the Planning Board may require a larger Lot size in those places where town sewer is not available.
5. Notwithstanding the above provisions, a Lot having lake Shore Frontage on a Public Body of Water shall be not less than two acres with Frontage on the lake of not less than 200 feet. The population density shall be one Family per two acres.

C. Yard Requirements

1. There shall be a Front Yard on each Lot which shall not be less than 25 feet in depth from the Front Yard line, and a Rear Yard on each Lot which shall be not less than 15 feet in depth from the Rear Yard line.
2. On each interior Lot in the R-1 District not using public sewer and water and on all Lots in the R-2 District, Side Yards shall be provided in an aggregate minimum width of 50 feet with a minimum of 20 feet from any one Side Yard. On each interior Lot in R-1 District using public sewer and water services, Side Yards shall be a minimum of 15 feet.
3. On each corner Lot there shall be a yard having a width of not less than 25 feet abutting each Right-of-Way.
4. Any Lot with less continuous Frontage and depth which is recorded and taxed as a Lot of Record before March 11, 1969 shall be deemed a conforming Use.

ARTICLE VII COMMERCIAL DISTRICT

Those owners or their notarized agent of any proposed Commercial Use shall submit a Site Plan to the Planning Board. Any change in the current Use(s) of commercial property shall be permitted only after a Site Plan Review conducted by the Planning Board.

A Building may be erected, Altered, or used and a Lot may be used or occupied for the following purposes and in accordance with the following provisions.

A. Uses Permitted

1. Any Use permitted in the Residential District will be permitted in the Commercial District in the same manner it is permitted in the Residential District. If the Use is a Use permitted by right in the Residential District, then it is a Use permitted by right in the Commercial District. If the Use is a Use permitted by Special Exception in the Residential District, then it is a Use permitted by Special Exception in the Commercial District.
2. Lodging Houses, Apartment Houses, Multi-Family Dwelling(s), hotels, Inns, motels, including such retail business within these permitted Buildings as are conducted for the convenience of the residents or guests.
3. Shops, restaurants (except drive-in or drive-thru restaurants), retail sales and retail service Uses.
4. Greenhouses or florist shops.
5. Mortuary establishments.
6. Business or professional offices and banks.
7. Filling stations, automobile repair garages, car washes, and Uses incidental thereto shall be allowed only by Special Exception by the Board of Adjustment.
8. Light industry and wholesale establishments shall be allowed only by Special Exception by the Board of Adjustment.
9. Theaters, halls, clubs, amusement centers, and drive-in or drive-thru restaurants shall be allowed only by Special Exception by the Board of Adjustment.
10. Essential Services.
11. Mixed Use.

B. Land Requirements

1. There shall be between the nearest Right-of-Way and the extreme front of any Building a yard having a minimum depth of 30 feet; but said minimum depth may be less than 30 feet if in conformity with the yards of adjoining Lots. No Building shall be located within 10 feet of the side or rear property line. The Frontage shall be not less than the width of the land required for the Structure thereof.

2. A buffer zone of no less than 10 feet between any Commercial Use in the Commercial District abutting another established District shall be required.
3. On each corner Lot there shall be a yard having a width of not less than 30 feet abutting each Street.

C. Parking

1. Parking requirements for all Commercial Uses shall be governed by Site Plan Review Regulations Article VI, Section F.
2. Unless prohibited by either the nature or disposition of the commercial Building or causing unnecessary hardship to the owner, on-site parking shall be provided at the rear of commercial Buildings.

D. Residential Density

1. The population density shall not exceed one Family per ~~40,000~~ 5,000 square feet of Lot area.

ARTICLE XVIII CLUSTER DEVELOPMENT

A. Purpose

The purpose of the Cluster Development provisions of this Ordinance is to encourage flexibility in design and Development of land in order to promote the conservation of Open Space and the efficient use of land in harmony with its natural features.

The objectives of this Cluster Development Ordinance are to:

1. Preserve Open Space and natural resources such as, but not limited to, scenic vistas, historic resources, Wetlands, water bodies, and agricultural lands;
2. Provide greater flexibility in Street and Lot layout, which encourages imaginative and economical approaches to residential land Use Development in harmony with natural features;
3. Provide for a variety of housing types while ensuring adequate standards for public health, safety, and welfare.

B. General Requirements

1. **Minimum Cluster Size:** The gross land area of a parcel of land proposed for a Cluster Development must include a minimum of 5 contiguous acres.
2. **Permitted Residential Uses:** The only principal Buildings permitted by right in a Cluster Development are single and Two Family Dwellings. Three or more Single Family attached dwellings are considered Multi-Family Dwellings and are not permitted Uses in a Cluster Development. Accessory Uses customarily incidental to residential Uses such as garage and recreational facilities shall also be permitted in Cluster Developments. Uses permitted by Special Exception in the underlying Zone District may be included in a Cluster Development provided the Special Exception is first approved by the Zoning Board of Adjustment.
3. **Density:** The number of Dwelling Units permitted within a Cluster Development shall not exceed the number allowed by the underlying Zone District(s). The applicable provisions of the Wetlands Conservation Overlay District (Article XIII of the Zoning Ordinance), the applicable provisions of the Steep Slopes Overlay District (Article XIV of the Zoning Ordinance) and the Minimum Lot Size by Soil Type requirements (Section VI. B-2 of the Land Subdivision Control Regulations) shall be accounted for in calculating the permitted number of units. The Planning Board may permit the transfer of density from one part of a contiguous Lot to another within the Cluster Development so long as the total number of dwellings permitted does not exceed the number allowed by the underlying Zone District.
4. **Permissible Zone Districts:** A Cluster Development may be permitted by the Planning Board in the R-1, R-2, Conservation and ARR Zone Districts.

5. **Lot Size and Frontage Requirements:** The Lot size and Frontage requirements set forth in Articles V, VI and VIII may be reduced by the Planning Board in a Cluster Development up to the minimums outlined below:
- a. A Cluster Development *without* public water and sewer service:
 - i. Minimum Lot Size: 30,000 sq. ft.
 - ii. Minimum Lot Frontage: 100 ft.
 - b. A Cluster Development **in R-2 Residential, Conservation or ARR – Agricultural Rural Residential** *with* public water and sewer service:
 - i. Minimum Lot Size: 15,000 sq. ft.
 - ii. Minimum Lot Frontage: 70 ft.
 - c. A Cluster Development **in R-1 – Urban Residential** *with public water and sewer service:*
 - i. **Minimum Lot Size:** 7,500 sq. ft.
 - ii. **Minimum Lot Frontage:** 70 ft.
6. **Buffer Strip:** A buffer strip having a minimum depth of 100 feet shall be provided between any proposed Structure within the Development and the perimeter of the tract. No dwelling, accessory Structure, or parking area shall be permitted within the buffer strip. The buffer strip may be included as part of the common Open Space.

Whenever feasible the buffer strip shall consist of existing, natural vegetation. In the absence of existing vegetative cover, new landscaping shall be planted to buffer the Cluster Development from abutting properties. This landscaping buffer shall consist of deciduous Trees at least two and one-half inches in caliper measured six inches above finished Grade and/or conifer Trees a minimum of 8 feet in Height spaced 20 feet apart within the buffer strip in addition to lower lying bushes and Shrubs. The Planning Board at its discretion may reduce or waive portions of the buffer strip due to topography, increased Building setbacks, preservation of scenic open land, and/or provision of raised earth berms.

7. **Setbacks/Building Separations:**
- a. Perimeter Setback: No Structure shall be located closer than 100 feet to the perimeter of tract.
 - b. Internal Setback: Front: No Structure shall be located closer than 20 feet from the Right-of-Way of a proposed public Street or from the edge of the travel surface of a proposed private road.
 - c. Internal Building Separations: Without public water service, no Structure shall be located closer than 50 feet from a Structure on an abutting Lot or 15 feet from an accessory Structure on the same Lot. With public water service, no Structure shall be located closer than 25 feet from a Structure on an abutting Lot or 15 feet from an accessory Structure on the same Lot. These internal Building separations may be reduced by the Planning Board if alternative fire protection measures are proposed which provide comparable protection and which meet the approval of the Fire Chief.

8. **Open Space Requirements:**

- a. The total area of the Open Space within the Cluster Development shall equal or exceed the sum of the areas by which individual Lots are reduced below the minimum Lot area normally required in the Zone District. For example, if in lieu of 20 two acre conventional Lots, a Cluster Development proposes 20 one acre Lots, then the remaining 20 acres shall be preserved as Open Space.
- b. The plan for a Cluster Development shall provide a continuity of Open Space throughout the tract. Pedestrian and bicycle paths are desirable. The Open Space shall be accessible from individual Dwelling Units, internal pedestrian paths, and/or internal Streets.
- c. Open Space shall be held, managed, and maintained by the developer until completion of all improvements such as trails and Recreation Facilities, where upon the developer shall transfer the ownership, management and maintenance responsibilities to one or a combination of the following which will insure that the Open Space land will be held in perpetuity as Open Space:
 - i. By a Homeowners or Condominium Association or similar form of common ownership set up by the developer and made a part of the deed for each Lot or Dwelling Unit;
 - ii. By a Conservation Trust or Private Nonprofit Organization such as the Ausbon Sargent Land Preservation Trust, the Society for the Protection of New Hampshire Forests or the Audubon Society; and/or
 - ii. By a public body (for example, the Town) which shall maintain the land as Open Space for the benefit of the general public of New London.
- d. All agreements, covenants, deed restrictions, articles of incorporation, by-laws, and organizational provisions for any of the above forms of ownership, management and maintenance of the Open Space land shall be subject to the review and the approval of the Planning Board prior to final approval of the Cluster Development;
- e. In cases where the proposed Cluster Development results in areas or project features of common ownership, there shall be established procedures and responsibilities for perpetual maintenance of Open Space, private Streets and utilities by the inclusion of covenants running with the land in the deeds; and
 - i. Obligating purchasers to participate in a Homeowners' Association, Condominium Association or similar form of common ownership (which participation shall be automatic upon conveyance of title or lease to individual Dwelling Units), and to support maintenance of all common elements including the open areas by paying to the association assessments sufficient for such maintenance and subjecting their properties to a lien for enforcement of payment of the respective assessments;
 - ii. Obligating such an association to maintain the open areas and any private Streets and utilities;
 - iii. Empowering the Town, as well as other purchasers in the Development, to enforce the covenants in the event of failure of compliance;

- iv Providing for agreements that, if the Town is required to perform any maintenance work pursuant to Item 3 above, Lot owners would pay the cost thereof and that the same shall be a lien upon their properties until said cost has been paid.

- f. In the event that a Cluster Development proposes, wholly or partially, the Development of prime agriculture land, the Planning Board may waive the requirements of this section to provide for the protection of these lands, whereby the Open Space area for the Use of the residents of the Development may be reduced in favor of setting aside and permanently restricting the Development of these prime agriculture areas. If required by the Planning Board, this land shall be protected in a fashion described in Section B.8.c.1-3 above and permanently restricted for agricultural Uses and may be sold or leased subject to the approval of the Planning Board.

C. Procedure

Subdivision approval by the New London Planning Board is required for all Cluster Development Proposals. A Cluster Development proposal shall be processed concurrently with the required Subdivision application. A Cluster Development proposal shall include the following information in addition to the submittal requirements for the Subdivision application:

1. Location, size and type of proposed Structures including delineation of Building setbacks and separations;
2. Typical elevations and floor plans;
3. Location of driveways, parking areas, wastewater disposal systems, and water supply systems;
4. Delineation of natural vegetation to be retained and proposed landscaping to be added; and
5. A plan for the Open Space including location, any proposed improvements and the proposed arrangement for maintenance and ownership. All agreements, covenants, deed restrictions, articles of incorporation, by-laws and organizational provisions for the ownership and maintenance of the Open Space must be approved by the Planning Board prior to final approval of the Cluster Development.

D. Review Criteria

The Planning Board shall not approve any Cluster Development unless it shall first make the following findings:

1. Approval of the Cluster Development proposal would result in a more desirable environment than would be possible through a conventional Subdivision that strictly conforms to requirements of the Zoning Ordinance;
2. The proposed Cluster Development will harmoniously integrate into the surrounding neighborhood in such a way that the visual qualities of scale, size, color(s) and exterior material(s) of Building(s) between existing land Use(s) and the Cluster Development are complementary;

3. The location, size, nature and topography of the open areas make them suitable for Use as common areas for park, recreational purposes, conservation purposes, buffer areas and/or agricultural purposes;
4. The Cluster Development proposal conforms to the requirements for Cluster Developments as detailed in Section B;
5. The Cluster Development proposal complies with all applicable requirements of the Subdivision Regulations and the Zoning Ordinance; and
6. The Cluster Development proposal preserves to the maximum extent feasible the scenic Open Space on the property, particularly that which is visible from the public road system.

ARTICLE XIX PLANNED UNIT DEVELOPMENT

A. Purpose

The purpose of the Planned Unit Development provisions is to encourage flexibility in the design and Development of land in order to promote the most efficient Use of land and to preserve natural features and Open Space.

The objectives of this Planned Unit Development Ordinance are to:

1. Preserve Open Space and natural resources such as, but not limited to, scenic vistas, historic resources, Wetlands, water bodies, and agricultural lands;
2. Encourage a less sprawling form of Development which makes more efficient Use of the land, requires shorter networks of Streets and utilities and fosters less consumption of rural and/or agricultural land;
3. Provide a procedure which can insure appropriate, high quality design and site planning and a high level of environmental amenities;
4. Avoid Development of portions of sites which have poor soil conditions, contain Wetland soils, high water tables, are subject to Flooding, or have excessively steep slopes; and
5. Provide a variety of housing opportunities for a wide range of ages and needs.

B. General Requirements

1. **Minimum Land Area for Planned Unit Development:** The gross land area of a parcel of land proposed for a Planned Unit Development must include a minimum of 5 contiguous acres.
2. **Permitted Uses:** Uses permitted in a Planned Unit Development include: (Amended May 2014 to include new item (d)-Retirement Care Community.
 - a. All Uses permitted in the underlying Zone District(s);
 - b. Dwelling Units in Single Family detached, Single Family attached, Two Family or Multi-Family Dwellings or appropriate mixes thereof; and
 - c. Accessory Uses customarily incidental to residential Uses such as garages and Recreational Facilities.
 - d. Retirement Care Community (RCC).
3. **Density:** The number of Dwelling Units permitted within a Planned Unit Development shall not exceed the number allowed by the underlying Zone District(s). The applicable provisions of the Wetlands Conservation Overlay District (Article XIII of the Zoning Ordinance) and the applicable provisions of the Steep Slopes Overlay District (Article XIV of the Zoning Ordinance) shall be accounted for in calculating the permitted number of units. The Planning Board may permit the transfer of density from one part to another

within the Planned Unit Development so long as the total number of dwellings permitted does not exceed the number allowed by the underlying Zone District(s).

4. **Permissible Zone Districts:** Permissible Zone Districts: A Planned Unit Development may be permitted by the Planning Board in those portions of the C - Commercial District, R-1 - Urban Residential District, R-2 - Residential District, ARR- Agricultural and Rural Residential District and Hospital Institutional District that are located within the Planned Unit Development Overlay District as shown on the Zoning Map. (Amended May 2014 to include ARR and the Hospital Institutional District).
5. **A Planned Unit Development** may be permitted by the Planning Board in those portions of the C - Commercial District, R-1 - Urban Residential District, R-2 - Residential District, that are located within the Planned Unit Development Overlay District.
6. **Lot Size and Frontage Requirements:** In those instances where single Family detached units are proposed, the Planning Board may reduce the minimum Lot size **in R-1 Urban Residential to 7,500 and in R-2 – Residential to 12,000** sq. ft. and may reduce the minimum Lot Frontage to 70 ft.
7. **Buffer Strip:** A buffer strip having a minimum of 75 feet shall be provided between any proposed Structure within the Development and the perimeter of the tract. No dwelling, accessory Structure, or parking area shall be permitted within the buffer strip. The buffer strip may be included as part of the common Open Space. Wherever feasible the buffer strip shall consist of existing, natural vegetation. In the absence of existing vegetative cover, new landscaping shall be planted to buffer the Planned Unit Development from abutting properties. This landscaping buffer shall consist of deciduous Trees at least 2 ½ inches in caliper measured 6 inches above finished Grade and/or conifer Trees a minimum of 8 feet in Height spaced 20 feet apart within the buffer strip in addition to lower lying bushes and Shrubs. The Planning Board at its discretion may reduce or waive portions of the buffer strip due to topography, increased Building setbacks, preservation of scenic open land, and/or to provide reasonable exposure for Commercial Uses if permitted.
8. **Setbacks/Building Separations:**
 - a. **Perimeter Setback:** No Structure shall be located closer than 75 feet to the perimeter of the tract.
 - b. **Internal Setback:** Front: No Structure shall be located closer than 20 feet from the Right-of-Way of a proposed public Street or from the edge of the travel surface of a proposed private road.
 - c. **Internal Building Separations:** No Structures shall be located closer than 25 feet from a Structure on an abutting Lot or 15 feet from an accessory Structure on the same Lot. These internal Building separations may be reduced by the Planning Board if alternative fire protection measures are proposed which provide comparable protection and which meet the approval of the Fire Chief.
9. **Open Space Requirements:**
 - a. A minimum of 50 percent of the parcel utilized for a Planned Unit Development shall be preserved as Open Space.

- b. The plan for a Planned Unit Development shall provide a continuity of Open Space throughout the tract. Pedestrian and bicycle paths are desirable. The Open Space shall be accessible from individual Dwelling Units, internal pedestrian paths and/or from internal Streets within the Development.
- c. Open Space shall be held, managed, and maintained by the developer until completion of all improvements such as trails and Recreation Facilities, whereupon the developer shall transfer the ownership, management and maintenance responsibilities to one or a combination of the following which will insure that the Open Space land will be held in perpetuity as Open Space:
 - i. By a Homeowners or Condominium Association or similar form of common ownership set by the developer and made a part of the deed for each Lot or Dwelling Unit;
 - ii. By a Conservation Trust or Private Nonprofit Organization such as the Ausbon Sargent Land Preservation Trust, the Society for the Protection of New Hampshire Forests or the Audubon Society;
 - iii. By a public body (for example, the Town) which shall maintain the land as Open Space for the benefit of the general public of New London.
- d. All agreements, covenants, deed restrictions, articles of incorporation, by-laws, and organizational provisions for any of the above forms of ownership, management and maintenance of the Open Space land shall be subject to the review and approval of the Planning Board prior to final approval of the Planned Unit Development;
- e. In cases where the proposed Planned Unit Development results in areas or project features of common ownership, there shall be established procedures and responsibilities for perpetual maintenance of Open Space, private Streets and utilities by the inclusion of covenants running with the land in the deeds; and
 - i. Obligating purchasers to participate in a Homeowners' Association, Condominium Association or similar form of common ownership (which participation shall be automatic upon conveyance of title or lease to individual Dwelling Units), and to support maintenance of all common elements including the open areas by paying to the association assessments sufficient for such maintenance and subjecting their properties to a lien for enforcement of payment of the respective assessments;
 - ii. Obligating such an association to maintain the open areas and any private Streets and utilities;
 - iii. Empowering the Town, as well as other purchasers in the Development, to enforce the covenants in the event of failure of compliance;
 - iv. Providing for agreements that, if the Town is required to perform any maintenance work pursuant to Item 3 above, Lot owners would pay the cost thereof and that the same shall be a lien upon their properties until said cost has been paid.

- f. In the event a Planned Unit Development proposes, wholly or partially, the Development of prime agriculture land, the Planning Board may waive the requirements of this section to provide for the protection of these lands, whereby the Open Space area for the use of the residents of the Development may be reduced in favor of setting aside and permanently restricting the Development of these prime agriculture areas. If required by the Planning Board, this land shall be protected in a fashion described in Section B.8.c.1-3 above and permanently restricted for agricultural Uses and may be sold or leased subject to the approval of the Planning Board.
10. **Water and Sewer Service:** All Planned Unit Developments shall be served by the New London/Springfield Water Precinct for domestic use and fire protection purposes and by the New London Sewer Commission for sewage disposal.
11. **Design Guidelines:** The Planned Unit Development shall conform to the following design guidelines:
- a. The Planned Unit Development should be harmoniously integrated into the surrounding neighborhood in such a way that the visual qualities of scale, size, color(s) and exterior material(s) of Building(s) between existing land Use(s) and the Planned Unit Development are complementary.
 - b. The design of the Planned Unit Development shall be directed toward establishing a sense of place. Inward oriented placement of Buildings, Streets, Open Space and Recreational Facilities is desired.
 - c. The plan for the Planned Unit Development shall preserve existing prominent natural features, especially scenic open land.

C. **Procedure**

Subdivision and Site Plan Review approval by the New London Planning Board is required for all Planned Unit Development proposals. A Planned Unit Development proposal shall be processed concurrently with the required Subdivision and Site Plan Review applications. A Planned Unit Development shall include the following information in addition to the submittal requirements for the Subdivision and Site Review applications:

- 1. Delineation of the natural vegetation to be retained or the limits of clearing;
- 2. A plan for the Open Space including the location of any proposed improvements and the proposed arrangement for maintenance and ownership. All agreements, covenants, deed restrictions, articles of incorporation, by-laws and organization provisions for the ownership and maintenance of the Open Space must be approved by the Planning Board prior to final approval of the Planned Unit Development.

D. **Review Criteria**

The Planning Board shall not approve a Planned Unit Development unless it shall first make the following findings:

1. Approval of the Planned Unit Development proposal would result in a more desirable environment than would be possible through a conventional Subdivision which strictly conforms to requirements of the Zoning Ordinance.
2. The location, size, nature and topography of the Open Space makes it suitable for use as common areas for park, recreational purposes, conservation purposes, buffer areas and/or agricultural purposes.
3. The Planned Unit Development proposal conforms to the requirements for Planned Unit Development as outlined in Section B.
4. The Planned Unit Development proposal complies with all applicable requirements of the Subdivision Regulations, Site Plan Review Regulations, and the Zoning Ordinance.