

Town of New London
ZONING ORDINANCE



**As adopted March 11, 1958
including subsequent amendments
to March 8, 2016 and the proposed amendments for 2017.**

Zoning Amendments - Public Hearing, Monday- January 23, 2017

Selected pages showing where changes are proposed to the Zoning Ordinance. The proposed Signs and Accessory Dwelling Units (ADU) amendment language is not inserted within, but is attached.

**NEW LONDON ZONING ORDINANCE
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removed from the site and from the Town of New London, such activity must be approved by the Planning Board, pursuant to Section (a) above. If such work has been started but is not completed within one year of approval, the Board of Selectmen may require that the fill be removed or the excavation filled and the cost assessed to the property.

- d. Commercial Activity: Whenever any activity as listed in (a) and (c)(vi) shall be for commercial sale of such material, it shall be subject to the requirements of RSAs 72-B and 155-E, whenever applicable.
3. Dish Antennas: A Dish Antenna, not a part of a cable television system, located on the same Lot as a principal Use of the land (such as a residence) is to be permitted as an Accessory Use provided the following regulations intended to make such an antenna less obstructive are complied with:
 - a. The antenna can only be used for private, noncommercial Use.
 - b. All Dish Antennas in all Zone Districts shall be neutral in color and to the extent possible be compatible with the surrounding neighborhood in appearance and character. The Board may direct that a solid dish be Camouflaged with nonmetallic paint to preserve said character. Antennas on the shores of lakes and ponds shall be placed and Camouflaged so as to be as unobtrusive as possible.
 - c. Any Dish Antenna larger than 3 feet in diameter and on a permanent base shall require a Building permit.
 4. Fire: No owner or occupant of land in any district shall permit fire or other ruins to be left, but within one year shall remove or refill the same to clear ground level or shall repair, rebuild or replace the Structure.
 5. Height Regulation: In all districts, Structures shall not exceed 35 feet in Height above Grade unless a Variance is approved by the Board of Adjustment except as noted to follow. Chimneys in or attached to Dwelling Units may exceed 35 feet in Height as necessary only to comply with state and federal fire codes requirements. The Board of Adjustment may grant a Special Exception for flagpoles, water Towers, chimneys, public utility Structures, and church steeples or radio Towers owned and operated by a federally-licensed amateur radio station operator in all districts. In the Agricultural and Rural Residential District and the Conservation District, the Board of Adjustment may grant a Special Exception for a silo or a windmill. In all districts, a radio Tower owned and operated by a federally-licensed amateur radio station operator up to and including 70 feet in Height is a permitted Use. In all districts, the Board of Adjustment may grant a Special Exception to allow a radio Tower owned and operated by a federally-licensed amateur radio station operator in excess of 70 feet in Height.
 6. Parking and Loading: In all districts, if any proposed business and Use of property is such as to attract vehicles, adequate off-street space shall be provided to accommodate such vehicles. Refer to the requirements in the Site Plan Review Regulations.
 7. Proposed Streets: After a line of a future Street is placed on the official map of the Town of New London, or on any Subdivision plot containing a R.O.W., Buildings shall be set back from such a line of such a R.O.W. as though they were Street lines.
 8. ~~Sanitary Protection~~ Individual Sewage Disposal System

- a. No cesspool, septic tank or sewage disposal area shall be constructed or maintained less than 75 feet from the edge of a public water body; from a well; or from a dwelling other than that to which it is appurtenant.

As per Article XIII F.(1), no septic tank or leach field may be constructed or enlarged closer than 100 feet to any Wetland whenever excessively well-drained soils with rapid permeability are encountered, otherwise 75 feet shall govern.

- b. No waste waters or sewage shall be permitted to run free into a public water body or be discharged in any way that may be offensive or detrimental to the health of others. All such waste shall be conveyed away underground through use of an accepted sanitary system or in such a way that it will not be offensive or detrimental to health.
- c. If construction, alteration, or expansion of an Accessory Building on a property includes bathroom facilities and space that may be used as guest quarters, the Health Officer may require the design and, if the existing system is 20 years old or older, the construction of a new or modified subsurface sewage disposal system that will support the potential loading at the site. If any bathroom facilities are installed in an Accessory Building, subsurface sewage disposal system modifications must be designed and approved by the NH Department of Environmental Services and installed at the site to provide for the disposal of effluent from the new bathroom facilities.
- d. All sanitary systems shall be designed, constructed and maintained in accordance with standards set and enforced by the NH Department of Environmental Services.

9. Setback: In all zones the required setback shall apply to the extreme limits of the Building.

10. Sign Regulation

- a. ~~Sign Definition: Any combination of letters, numerals, lines, symbols, shapes or designs, in any medium, on any surface, intended to convey the identity of, or information about, any person, place, thing, product or service.~~
- b. ~~General Provisions~~
 1. ~~No Signs or lighting of Signs shall be placed in such a position as to endanger traffic on a Street or pedestrians on a sidewalk by interfering with motorist's vision by obscuring a clear view or by confusion with official Street signs or signals.~~
 2. ~~Property/Sign owners are encouraged to maintain their Signs in good condition and repair at all times.~~
 3. ~~Abandoned Signs shall be removed by the owner when the Use is discontinued for a minimum of one year, and in no case longer than 10 days after receiving written notice from the Board of Selectmen or its designee. If not removed, then the Board of Selectmen or its designee shall remove the Sign at the owner's expense.~~
 4. ~~Permanent Signs shall not be placed in the Street Right of Way. Temporary Signs as allowed by sections d. and f. may be located in the Right of Way and must be placed a minimum of 6 feet from the edge of the pavement or travel surface of the abutting Street.~~

As a general rule of thumb, most Town roads have a Right-of-Way 50 feet wide or 25 feet each side of centerline.

5. ~~One temporary Tree mounted Sign is permitted per premise for Signs allowed by section d(2) and d(3) during the winter period (November 1-May 1) except along all primary and secondary state highways where Tree mounted Signs are prohibited by RSA 236:75. Such Tree mounted Signs must be replaced by a free standing or Building mounted Sign by May 1.~~
6. ~~The size and Height of Signs shall be computed as follows:
 - a. ~~The size of a Sign shall be computed based on overall dimensions, including moldings, trim, decorations, etc., but excluding posts, brackets, or other installation devices.~~
 - b. ~~In computing the size of a Sign which consists of raised or painted letters, figures or other devices directly affixed to or painted on a permanent wall of a Building, only the area surrounding the raised or painted materials comprising such letters, figures or other devices shall be counted.~~
 - e. ~~Height of a Sign: The maximum Height permitted for a free standing Sign is 15 feet.~~~~
- e. ~~Sign Permit Process
 1. ~~A Sign Permit Application to Alter, erect or relocate a Sign is available from the Board of Selectmen's Office. This Sign Permit Application needs to be completed and then submitted to the Board of Selectmen's Office for approval prior to Altering, erecting or relocating a Sign.~~
 2. ~~The Board of Selectmen conducts a business meeting almost weekly. Sign Permit Applications submitted to the Board of Selectmen's Office will be placed on the next available Board of Selectmen's agenda for consideration.~~
 3. ~~Sign Permit Applications are approved by the Board of Selectmen if they find the proposed Sign conforms to the town's Sign regulations. Usually this determination can be made when first presented to the Board of Selectmen.~~
 4. ~~Signs in the Institutional District, Institutional/Recreational District, and Hospital Institutional District shall be approved by the Planning Board through the Site Plan Review Process.~~~~
- d. ~~Signs Not Requiring A Permit
 1. ~~Residential Signs such as those identifying the name of the owner, occupant, or Tree Farm with a maximum combined size of 4 square feet. Such Signs may be Tree mounted on private property, as long as the Tree is not in the town Right-of-Way or state Right-of-Way.~~~~

- ~~2. — One temporary on-premise Sign per site advertising the sale of property which is no larger than 4 square feet. Such Signs may include a maximum of two Riders, as defined in Article III Definitions. This Sign must be removed within 10 days after the closing/sale of the property. In addition, in Planned Unit Developments and Cluster Developments where the individual units are remote from the main road, a single sign (one sign for any and all units, not one sign for each individual unit) advertising that a unit in the development is for sale or having an open house may be placed on the common land at the main entrance to the development, provided the above size requirements are complied with.~~
- ~~3. — One temporary Sign no larger than 4 square feet advertising the building contractor, architect, painter, paving company or other company involved in the design and construction of the site is permitted on each individual lot or one such sign is permitted at the entrance to the Development, but not both. This Sign must be removed within 10 days of occupancy of the Building or completion of the project. If not removed, then the Board of Selectmen or its designee shall remove the Sign at the owner's expense.~~
- ~~4. — Traffic and pedestrian control and safety Signs. Stipulations to include: no logo material or advertising of the business on the premises, the Signs must be on-premise and the Signs would be limited to a maximum of 3 square feet in size.~~
- ~~5. — Signs indicating open, closed, sale or business hours. These Signs are not allowed to include any logo or advertising material, must be located on premise and be limited to no more than one square foot in size.~~
- ~~6. — Flags. They must be located on premise, include no logo or advertising material and are limited to a maximum size of 16 square feet. The size limitation does not apply to national or state flags.~~
- ~~7. — Signs regulating or defining access to private property which are under one square foot in size. This includes, for example, Signs such as those indicating whether or not someone could trespass, hunt, hike or snowmobile on private property.~~
- ~~8. — Political Signs which comply with the size limitation of the underlying Zone District. These Signs must be removed within 10 days after the election. If not removed, then the Board of Selectmen or its designee shall remove the Sign at the owner's expense.~~
- ~~9. — Window displays which do not have the name or logo of the business on the premise and which are temporary display advertising for products or services.~~
- ~~10. — Signs warning of Hazards.~~
- ~~11. — A Sign on the door of a Commercial Business identifying the business name and/or logo which is no larger than two square feet.~~
- ~~12. — Signs for Temporary Events for Nonprofit Organizations
 - ~~a. — One temporary on-premise Sign to be erected not more than 7 days prior to the event and removed within 24 hours after conclusion of the event. The size of the Sign is controlled by that allowed under the underlying Zone District for~~~~

~~permanent Signs. Any type of Sign would be permitted including a sandwich board Sign, a banner, etc.~~

- ~~b. — Temporary off site directional Signs are permitted for non-profit events that involve a Street tour over a circuitous route (such as bicycle tours, walkathons, garden tours, house tours, etc.) provided they are erected the day of the event and are removed within 24 hours after conclusion of the event. Each temporary off-site directional Sign shall not exceed one (1) sq. ft. in size.~~

~~13. — Sign for Temporary Yard Sale~~

- ~~a. — One temporary on-premise Sign not exceeding 4 square feet in size to be placed not more than 24 hours prior to the opening of the sale and to be removed within 24 hours after conclusion of the sale.~~

~~e. — Prohibited Signs~~

- ~~1. — Off site Signs, directional or Signs not on the premises to which they refer except as provided in Section 10.d.2 & 12(b).~~
- ~~2. — Neon or tubular glass for outside display and flashing electric Signs.~~
- ~~3. — Signs that move.~~
- ~~4. — No permanent Signs shall be mounted on Trees, except as permitted in Section d(1). One Tree mounted temporary Sign is permitted as provided in Section 10. b. General Provisions, Sub-section 5.~~
- ~~5. — Portable Signs.~~
- ~~6. — Sandwich Board Signs: No commercial sandwich board Signs except as provided in Section 10. d. 12(a).~~
- ~~7. — Signs extending above the deck line of a mansard roof or above the eave of a hip, gable, gambrel or other pitched roof Building.~~
- ~~8. — Signs lit internally except for filling stations to advertise the brand of gas sold.~~

~~f. — Signs Requiring A Permit: All Signs, except as provided in Sections d. and e. above, need a permit to Alter, erect or relocate a Sign.~~

~~1. — Permanent Signs Requiring a Permit:~~

- ~~(a) — Signs for commercial or Home Business Uses as long as the Sign complies with the underlying size and number regulations for that Zone District as stated in Section (g) below.~~

~~(b) — Signs naming residential Developments/neighborhoods: One on-premise Sign located on the common land or on private property and not in the road Right of Way. The size is regulated by the underlying Zone District.~~

2. ~~Temporary Signs Requiring a Permit: (Amended May 2014, to include this subsection (e) below.~~

~~(a) — Sign for Temporary Tent/Sidewalk Sale~~

~~1) One temporary on-premise Sign not exceeding 4 square feet in size to be placed not more than 24 hours prior to the opening of the sale and to be removed within 24 hours after conclusion of the sale.~~

~~2) Please refer to the temporary tent/sidewalk sales permit process in Article II, Section 14.b.~~

~~(b) — Sign for Temporary Auction~~

~~1) One temporary on-premise Sign not exceeding 4 square feet in size to be placed not more than 24 hours prior to the opening of the sale and to be removed within 24 hours after conclusion of the sale.~~

~~2) Please refer to the temporary auction permit process in Article II, Section 14. d.~~

~~(c) — Sign for Temporary Off-Site Seasonal acknowledging contributions made by civic organizations.~~

~~1) The number and location shall be approved by the Board of Selectmen.~~

~~2) Each sign shall be a maximum of three (3) square feet.~~

~~3) Language on the signs shall be non-commercial.~~

~~g. — Size And Number Of Permanent Signs Permitted By Zone District: The following outlines the permanent Signs permitted by Zone District. The temporary Signs permitted by these regulations are in addition to the permanent Signs enumerated below.~~

~~1. — Commercial District:~~

~~(a) — Individual commercial businesses occupying a single premise shall be permitted two advertising Signs and no more than one of the two permitted Signs shall be a free standing Sign. The maximum size of any one Sign shall be 15 square feet. Any one business is permitted two Signs.~~

~~(b) — When two or more commercial businesses occupy a single premise, each Commercial Use is permitted a total of two Signs. No more than one free standing Sign encompassing all of the commercial businesses on the single premise shall be permitted, no larger than 25 square feet in size. If a business shares a free standing Sign, then it is permitted one additional Building mounted Sign with a maximum~~

~~size of 15 square feet. If the business does not use a free-standing Sign, then it is permitted two Building mounted Signs with a maximum size of 15 square feet each.~~

~~2. Residential Districts including the Residential Districts (R-1 and R-2), the Agricultural & Rural Residential District (ARR), the Conservation District and for residential Uses in the Institutional District: Refer to Section d(1) for permanent Signs not requiring a permit. In addition, commercial, institutional or Home Business Uses shall be permitted one free standing or Building mounted Sign with a maximum size of 4 square feet.~~

~~3. Institutional District, Institutional/Recreational District and Hospital Institutional District: Because of the size and unique needs of the institutional uses, the size, number and location of all permanent signage shall be subject to approval by the Planning Board through the Site Plan Review process. However, the maximum size of any one sign shall not exceed 15 square feet for any institutional use. Temporary event signage for these Zone Districts shall comply with Section d(12) above.~~

~~4. All Districts: Signs naming residential developments/neighborhoods: One on-premise Sign, with the size regulated by the underlying Zone District, which must be located on the common land or on private property and not in the road Right of Way.~~

~~h. Nonconforming Signs: See Article XX for provisions on Nonconforming Uses and Structures.~~

~~i. Enforcement & Penalties: Persons violating the Sign regulations may be fined up to \$275 per day. See Article XXVII for provisions on enforcement and penalties.~~

11. Temporary Structures:

a. Any property owner or lessee may accommodate one Trailer of a non-paying guest for a period not exceeding 30 days in any one year.

b. The Board of Selectmen may approve the temporary Use of a Trailer, Manufactured Home, or Storage Container to be maintained as living quarters, office space, storage facilities or a workshop in connection with construction by a person or persons employed in adjoining construction work or for whom a residence is being built, or as an office, storeroom or shop in connection with construction work, provided that such Use is shown to be a temporary expedient and also that the Use will conform to the sanitary protection requirements, if applicable, listed under Section 8 of this Article. Temporary Structures used in conjunction with construction work shall be permitted only during the period the construction work is in progress. Permits for temporary Structures used in conjunction with construction projects shall be issued for a twelve-month period.

c. The Board of Selectmen may approve the temporary Use of a Storage Container in conjunction with Temporary Fundraising Events for Non-Profit Organizations (as permitted in Article II, Section 14, c, below) for the temporary storage of donated goods to be sold by auction, tag sale, yard sale or any other method. A permit for a Storage Container used for this purpose is allowed on property owned or leased by a Non-Profit Organization in all zone districts, shall be issued for a maximum of two separate two-month periods in any calendar year, and is subject to all other provisions of the Ordinance. A Temporary Event permit approved by the Board of Selectmen or their designee is required.

- d. Residing in the Basement of foundation Structures before the completion of the total Structure may be permitted by the Board of Selectmen until construction is complete so long as the Building permit for the residence is kept active and has not expired.
 - e. The temporary use of Trailers or Storage Containers is limited to the provisions in a., and b. and c. above.
12. **Manufactured Homes and Presite Built Housing:** Manufactured Homes are allowed in all except the R-1 Residential, Institutional and Commercial Zones. The construction and use of this type of housing shall conform to the area and density requirements of the permitted zones. Presite Built Housing is permitted in all zones for the residential Uses allowed in those zones.
 13. **Water Recreation and Water Storage Facilities:** Any facility for water recreation open to the public such as outdoor swimming pools, outdoor water-storage tanks, swimming clubs, commercial fishing ponds, or any water storage facility open to the public such as reservoirs, and fish hatcheries shall comply with the following requirements:
 - a. The facility shall conform to the setback requirements.
 - b. The facility shall be enclosed with a fence no less than 4 feet high to prevent uncontrolled access by small children.
 - c. The facility, if operated to attract visitors, shall comply with the parking requirements established under Section 6 of this Article.
 - d. The facility shall receive approval from the Planning Board for a Site Plan Review.
 14. **Temporary Ancillary Sales**
 - a. **Temporary Yard Sales:** The conduct of a temporary yard sale or garage sale offering private goods for the sale for purchase by the general public shall be permitted within the R-1 Residential District, the R-2 Residential District, the Agricultural and Rural Residential District, and the Conservation District or on property within the Commercial or Institutional Districts used primarily for residential purposes, provided all of the following conditions are met:
 1. Such sale is conducted for one period not to exceed two consecutive days in any one calendar year (Jan-Dec) by the property owner or occupant.
 2. Multi-Family yard sales at the residence of one of the participants are permitted, however, the individual(s) involved must be residents of the Town of New London; and, all goods sold at the yard sale must be the property of said resident(s). Goods that are the property of a business or produced for commercial sale are disallowed.
 - b. **Temporary Tent/Sidewalk Sales:** Temporary tent/sidewalk sales conducted by established businesses in the Town of New London shall be allowed within the Commercial District without the benefit of Site Plan Review by the Planning Board, subject to the following conditions:
 1. Such sales shall be limited to the sale of the individual business's normal inventory, and shall not include sales items belonging to another business or individual.

2. Such sales shall be limited to 6 such occasions in any one calendar year (Jan-Dec) not to exceed 4 consecutive complete working days including the setup and takedown.
 3. Applicants for temporary tent/sidewalk sales shall obtain a permit in compliance with paragraph f.
 4. ~~One temporary on-premise Sign not exceeding 4 square feet in size to be placed not more than 24 hours prior to the opening of the sale and to be removed within 24 hours after conclusion of the sale.~~
 5. Exterior displays consisting of owner's merchandise are allowed so long as the display does not inhibit access to sidewalks or infringe on parking.
- c. Temporary Fund Raising Events for Non-Profit Organizations: The conduct of such events involving either sale of goods or sale of services shall be allowed in all Zone Districts subject to the following conditions:
1. Each organization shall be required to obtain written permission/consent/approval from the individual property owner for Use of the property where the event is to be held.
 2. Applicants for temporary fund raising events shall obtain a permit in compliance with paragraph f.
 3. ~~One temporary on-premise Sign is permitted. The size of the Sign would be controlled by that allowed by the underlying Zone District for permanent Signs. Any type of Sign is permitted including a sandwich board Sign, a banner etc. Any temporary Sign shall not be erected more than 7 days prior to the event and shall be removed within 24 hours after the conclusion of the event.~~
- d. Temporary Auctions:
1. Temporary auctions are limited to the Residential or Institutional Districts and are held for the benefit of the individual homeowner and/or residents of New London and are limited to the possessions of the owner, occupant or residents of New London.
 2. Temporary auctions in the Commercial District are limited to liquidation of the business's existing inventory.
 3. Temporary auctions are limited to one period not to exceed two consecutive days in any one calendar year (Jan-Dec) including setup and takedown.
 4. Applicants for temporary auctions shall obtain a permit in compliance with paragraph f.
 5. Adequate parking shall be provided so as not to interfere with normal traffic flow.
 6. ~~Any Signs relating to the auction shall not be erected more than 24 hours prior to the event and shall be removed within 24 hours after the conclusion of the auction.~~

- e. Temporary Events: Events such as grand openings, dedications, graduations and other similar activities shall be allowed in all Zones Districts subject to the conditions outlined below. Gatherings, parties and weddings at private residences are specifically excluded from this regulation and are permitted activities.
 - 1. Events shall be permitted to run on consecutive days up to a maximum of 3 days.
 - 2. Event parking shall be managed to preclude blocking emergency vehicle access on neighboring streets and driveways. The need for an event parking person will be determined by the Police Chief during the permit process and the applicant shall be responsible for all costs incurred. Adequate parking shall be provided so as not to interfere with normal traffic flow.
 - 3. The event shall comply with the nuisance provision in the New London Zoning Ordinance.
 - 4. The event organizer shall be required to obtain written permission/consent/approval from the individual property owner for the use of the property where the event is to be held.
 - 5. Applicants for events shall obtain a permit in compliance with paragraph f.
 - ~~6. One temporary on premise sign is permitted the days(s) of the event only. The size of the Sign shall be controlled by that allowed by the underlying Zone District for permanent Signs.~~

f. Permits

- 1. Permits must be obtained from the Selectmen or their designated representative where application forms are available.
- 2. Approval must be obtained from the Police Chief regarding traffic flow and parking. Should the use of a police officer be required, the applicant shall be responsible for all costs incurred.
- 3. Approval must be obtained from the Fire Chief for gatherings of 50 or more people in a structure or in an enclosed tent for which there is no current permit of assembly. Should the use of a firefighter be required as a fire watch, the applicant shall be responsible for all costs incurred.
- ~~4. Any temporary Signs shall be in compliance with Article II, Paragraph 10. Signs, Subparagraph f.(2) or a temporary Sign no larger than the size permitted by the underlying zone district. A temporary Sign permit must be obtained from the Selectmen.~~
- 5. It is the responsibility of the business or organization to provide liability insurance.

15. Home Occupations/ Home Businesses

- a. Intent and Purpose: It is the intent and purpose of these regulations to provide for opportunities for certain types of limited, Home Occupation or Home Business Uses within residential zone districts while providing safeguards for the residential Uses which are the principal Uses within the districts.

- b. A Home Occupation that continuously meets the criteria listed below is a Use permitted by right and is not subject to the Site Plan Review process by the Planning Board. If a Home Occupation changes to a Home Business, then the Planning Board must determine, through the Site Plan Review process, that any proposed Home Business complies with the criteria outlined in section 2 below.
 1. Home Occupation: An Accessory Use of a Dwelling Unit for a business Use which results in a product or service. It is an occupation which is carried on by a resident or residents who shall have their domicile in the Dwelling Unit and which is clearly subordinate to the residential Use of the Dwelling Unit. To qualify to be defined as a Home Occupation, an accessory business in the home must meet the following requirements, on an ongoing basis:
 - a. Non-resident employees, including sub-contractors, are not permitted in association with a Home Occupation.
 - ~~b. No on-premise Sign advertising the business.~~
 - c. No customer, client or employee traffic.
 - d. No additional off-street parking provided.
 - e. No more than two Company Vehicles may be parked outside at the site of a Home Occupation.
 - f. A Home Occupation shall be conducted within the Dwelling Unit or in an enclosed accessory Structure.
 - g. The area within the Structure(s) used by the Home Occupation shall not exceed 25% of the total finished floor area of the Dwelling Unit or a maximum of 750 square feet, whichever is less.
 - h. A Home Occupation shall not be permitted out-of-doors on the property. There shall be no outside operations, storage, or display of materials or products on an on-going basis.
 - i. A Home Occupation shall not involve the use and storage of Heavy Vehicles or Equipment used in the business such as back-hoes, graders, dump trucks, etc.
 - j. The operation of any wholesale or retail business is prohibited unless it is conducted entirely by mail or by other method of communication and does not involve the shipment or delivery of merchandise from the premises.
 - k. A Home Occupation shall conform to the nuisance provisions outlined in the first paragraph of Article II - General Provisions.
 - l. No activity shall be allowed which would interfere with radio or television reception in the area.

- m. A Home Occupation shall be compatible with residential Uses.
- n. A Home Occupation shall not detract from the residential character of the neighborhood.

2. Home Business: An Accessory Use of a Dwelling Unit for a business Use which results in a product or service. It is a business which is carried on by a resident or residents who shall have their domicile in the Dwelling Unit and which is clearly subordinate to the residential Use of the Dwelling Unit. The Planning Board must determine, through the Site Plan Review process, whether any proposed Home Business complies with the criteria outlined below. To qualify to be defined as a Home Business, an accessory business in the home must meet the following requirements, on an ongoing basis:

- a. No more than two non-resident employees or subcontractors who use the site of the Home Business as their base of operations are permitted in association with the business. Non-resident employees or subcontractors who do not come and go from the site are permitted.
- b. ~~The number, type and size of Signs advertising the business shall be in conformance with the Sign regulations specified in Article II, Section 10.~~
- c. A Home Business shall not generate customer or client traffic which is excessive for the road(s) providing access, and, as a guideline, the Home Business will generate no more than an average of 10 customer/client/delivery/service visits per day.
- d. Adequate off-street parking shall be provided for a Home Business as determined by the Planning Board. As a guideline, a permissible Home Business should need no more than 3 parking spaces in excess of parking for the residential Use.
- e. No more than three Company Vehicles may be parked outside at the site of the Home Business.
- f. A Home Business shall be conducted within the Dwelling Unit or in an enclosed, accessory Structure.
- g. The area within the Structure(s) used by a Home Business shall not exceed 35% of the total finished floor area of the Dwelling Unit or a maximum of 1,000 square feet, whichever is less. A Home Business Use, including either a new Home Business proposal or expansion of an existing Home Business, which does not comply with the area limitation of 35% of the total finished floor area of the Dwelling Unit or a maximum of 1,000 square feet, whichever is less, may apply to the Zoning Board of Adjustment for approval of a Use by Special Exception to permit a Home Business to occupy a maximum of 1,250 square feet or 35% of the total finished floor area of the Dwelling Unit whichever is less.
- h. A Home Business shall not be permitted out-of-doors on the property. There shall be no outside operations, storage, or display of materials or products.

- i. A Home Business shall not involve the use and storage of Heavy Vehicles or Equipment, as defined in Article III.
 - j. A Home Business shall conform to the nuisance provisions outlined in the first paragraph of Article II.
 - k. No activity shall be allowed which would interfere with radio or television reception in the area.
 - l. If a Home Business is the type in which classes are held or instruction is given, there shall be no more than 4 students or pupils at any one time.
 - m. A Home Business shall be compatible with residential Uses.
 - n. A Home Business shall not detract from the residential character of the neighborhood.
 - o. If there is a change of ownership of the property where a Home Business has been approved by the Planning Board and the new property owner proposes to continue the same Home Business, then the new property owner must conduct the Home Business in the same manner and under the same conditions as originally approved by the Planning Board or must reapply to the Planning Board for a new Site Plan Review approval.
 - p. If a Final Site Plan Review application for a Home Business is approved by the Planning Board, then the Home Business approval is limited to the application as submitted and approved. If the terms of the approval are exceeded, then the applicant must return to the Planning Board for approval of an amended Final Site Plan Review.
16. Private Swimming Pool: A private swimming pool, permitted as an Accessory Use in the Residential Districts, shall:
 - a. Conform to the setback requirements of the Zone District where it is located; and
 - b. Be enclosed by a fence no less than 4 feet high, constructed in accordance with the provisions of the New Hampshire Building Code (RSA 155:A), as amended to prevent uncontrolled access by small children.
17. Restoration, Reconstruction and/or Replacement of Conforming Structures: Nothing herein shall prevent the substantial restoration, reconstruction and/or replacement within three years of a conforming Building destroyed in whole or in part by fire or other natural disaster without Site Plan Review so long as this Use does not result in a new safety or health hazard.
18. Accessory Dwelling Units
 - a. ~~Purpose: The purpose and intent of allowing Accessory Dwelling Units within single Family homes in all residential districts is to provide the opportunity for the Development of small rental housing units. These units will help improve New London's inventory of affordable housing,~~

~~without significantly altering the rural character of the community. In addition, it makes more efficient use of existing housing stock.~~

~~b. Authorization: Accessory Dwelling Units shall be allowed by right in all Zone Districts, subject to compliance with the provisions of this regulation, and the granting of a permit by the Board of Selectmen.~~

~~e. Requirements and Limitations:~~

- ~~1. Accessory Dwelling Units are intended to be secondary to a principal Single Family Dwelling Unit. In granting a permit, the Board of Selectmen must find that the Accessory Dwelling Unit is developed in a manner which does not alter the character or appearance of the principal Dwelling Unit as a single Family residence. Only one Accessory Dwelling Unit shall be allowed per principal Dwelling Unit and/or Lot.~~
- ~~2. There shall be no exterior modifications of the Structure that will alter its character or appearance as a single Family residence. If any entrances or exits must be added to accommodate an Accessory Dwelling Unit, they shall be located to the side or rear of the Building.~~
- ~~3. An Accessory Dwelling Unit shall not be considered to be an additional Dwelling Unit for the purposes of determining minimum Lot size and density.~~
- ~~4. An Accessory Dwelling Unit shall have an area of no less than 300 square feet and no greater than 1,000 square feet. An Accessory Dwelling Unit shall occupy no more than 35% of the heated and finished floor area of the original Dwelling Unit, including the Accessory Dwelling Unit.~~
- ~~5. An Accessory Dwelling Unit shall be designed to allow for re-incorporation into the principal Dwelling Unit. Internal access to the principal Dwelling Unit shall be maintained or constructed.~~
- ~~6. One of the Dwelling Units on the property must be the domicile of the owner.~~
- ~~7. The original dwelling must be a minimum of 5 years old to be eligible for conversion to accommodate an Accessory Dwelling Unit.~~
- ~~8. There shall be no more than two Bedrooms in any Accessory Dwelling Unit.~~
- ~~9. Pursuant to RSA 485-A:38, prior to converting to or occupying an Accessory Dwelling Unit in a manner that would increase the load on a sewage disposal system, the owner of the Primary Dwelling Unit shall submit an application for approval of the sewage disposal system to the NH Department of Environmental Services (“DES”) (See also Code of Administrative Rules Env Ws 1000). As specified in RSA 485:A 38 and Env Ws 1004.16, the application shall include either evidence that the existing system meets the state and local minimum standards for handling and treating the wastewater flows generated by the Structure, including the Accessory Dwelling Unit, or a design for a new system that meets these standards.~~

10. ~~Adequate off-street parking, based on the number of Bedrooms in both Dwelling Units, shall be provided in accordance with the provisions of Appendix A of the Site Plan Review Regulations.~~

- d. ~~Existing Nonconforming Accessory Dwelling Units: To be considered a Nonconforming Use, an Accessory Dwelling Unit must have been constructed or installed prior to March 1958, or before whatever date the density in a Zone District in question changed to make a legal two Family Use Nonconforming.~~

- e. ~~Existing Illegal Accessory Dwelling Units: Accessory Dwelling Units constructed after March 1958 shall apply to the Board of Selectmen for a determination of compliance with Article II, Section 18. Applications shall be accompanied by the filing fee, plans and other documentation required by the Board. The Board will then determine one of the following:~~
 1. ~~A determination of compliance with Article II, Section 18 and approval, subject to inspection by the Board of Selectmen or its agent;~~

 2. ~~A conditional determination of compliance with Article II, Section 18 and a description of the corrective changes needed to bring the Accessory Dwelling Unit into compliance. The required changes shall be completed within 90 days of the date of the determination of conditional compliance. Upon successful completion of the required changes, the Board of Selectmen or its agent will inspect the unit for compliance; or~~

 3. ~~A determination that a zoning violation exists. In this instance, remedies include: discontinuing the Use, referral to the Zoning Board of Adjustment for approval of a Variance application, or enforcement action by the Board of Selectmen as provided in Article XXVII Enforcement.~~

126. Recreation Facilities: An area and appurtenances designed for the purpose of leisure time activities such as:
- Publicly owned recreational facilities: town, county or state areas, ponds and lakes; also forest areas where timber is privately owned, but which are open to the public through permanent easement.
 - Privately owned tax exempt recreational facilities that are available to the public: example: civic organizations that have a tax exempt status such as the New London Outing Club.
 - Privately owned, noncommercial recreational facilities that are not generally available to the public (example: veterans' organizations).
 - Commercial recreational facilities that may or may not be available to the public (examples: Lake Sunapee Country Club and Slope 'n Shore Club).
127. Recreational Vehicle: A vehicle which is (a) built on a single chassis; (b) 400 square feet or less when measured at the largest horizontal projection; (c) designed to be self propelled or permanently towable by a light duty truck; and (d) designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel or seasonal Use.
128. Reference Line: (a) For natural fresh water bodies without artificial impoundments, the natural mean high water level as determined by the NH Department of Environmental Services. (b) For artificially impounded water bodies with established flowage rights, and for water bodies without established flowage rights, the waterline at full pond as determined by the elevation of the spillway crest.
129. Regulatory Floodway: The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the Base Flood without cumulatively increasing the Water Surface Elevation more than a designated height.
130. Rental Housing: Any Dwelling Unit intended to be leased.
131. Retirement Care Community (RCC). A RCC is defined as an age restricted development that shall provide appropriate amenities, appropriate health care facilities, meeting rooms, recreational facilities, common dining facilities, and other amenities for the residents of the development, and is designed to provide housing for persons age 55 or older, with a mix of different types of housing units and housing arrangements, which may include single family attached, single family detached, two-unit or multi-unit housing structures or other living arrangements to accommodate the needs of the residents of the retirement community. A Retirement Care Community may include and consist of assisted living facilities, continuing care retirement communities, nursing homes and or congregate care facilities. (New definition added May 2014).
- ~~132. Riders: Separate Signs added to real estate advertising Signs indicating information regarding the selling agent, the property, or the status of the sale. Riders shall be limited to a size of one square foot.~~
133. Right-of-Way: Includes all town, state and federal highways, and rights-of-way public or private and the land on either side of same as covered by Statutes to determine the widths of the right-of-way. In addition, private rights-of-way that serve three or more properties whose dimensions and location are not defined by deed, plan or metes and bounds, shall be considered 40 feet wide for the purposes of establishing a bound for measuring front yards and corner yards. In these instances, front yard and corner yard depth shall be measured at right angles to the lot line bordering this Right-of-Way beginning at a point 20 feet from the centerline of the existing private Street, excluding driveways, within the private Right-of-Way. The front and corner yard measurement shall be the depth required by the underlying zone district. The terms of this definition shall not apply to common driveways serving only two properties.
134. Sapling: Any woody plant which normally grows to a mature height greater than 20 feet and has a diameter less than six inches at a point 4½ feet above the ground.

**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. ~~Signs in Residential Districts shall conform to the provisions in Article II, Section 10.~~
8. Accessory Building with or without the main Building on the Lot.
9. Accessory Uses.
10. 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 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.

QUICK REFERENCE ¹ TO: SIGN SIZE & NUMBER BY ZONE DISTRICT

Zone District	Permanent or Temporary Sign	Purpose of Sign	Section of Sign Regs.	Type of Sign	Size Permitted	Number Permitted	Permit Needed
R-1, R-2, ARR, Con. & residential uses in Inst. Dist.	Permanent	Name-Identification	d.(1)	Building Mounted or Free Standing	Max. combined size of 4 sq. ft.	N.A.	No
Commercial District: Single Business	Permanent	Advertising-Business	g.(1)(a)	1 Free Standing & 1 Building Mounted, or 2 Building Mounted	Max. 15 sq. ft. for each sign	Two	Yes
Commercial District: Multiple Businesses	Permanent	Advertising-Business	g.(1)(b)	Free Standing	Max. 25 sq. ft. for all businesses	One for all businesses	Yes
				Building Mounted	Max. 15 sq. ft.	One	Yes
Institutional Districts	Permanent	Name-Identification	g.(3)	By Site Plan Review	Max. 15 sq. ft. per sign	By Site Plan Review	Yes
All Zone Districts	Permanent	Name of Development	f.(1)(b)	Building Mounted or Free Standing	As per zone-district	One	Yes
	Temporary	Sale of Property	d.(2)	Building Mounted or Free Standing	Max. 4 sq. ft.	One	No
	Temporary	Advertising-Contractor	d.(3)	Building Mounted or Free Standing	Max. 4 sq. ft.	One	No
	Temporary	Yard Sale	d.(13)	Building Mounted or Free Standing	Max. 4 sq. ft.	One	No
	Temporary	Tent/Sidewalk-Sale	f.(2)(a)	Building Mounted or Free Standing	Max. 4 sq. ft.	One	Yes
	Temporary	Auction	f.(2)(b)	Building Mounted or Free Standing	Max. 4 sq. ft.	One	Yes
	Temporary	Events for Nonprofits	d.(12)(a)	On-site: Any Type	As per zone-district	One	No
	Temporary	Events for Nonprofits	d.(12)(b)	Off-site: Any Type	Max. 1 sq. ft.	No Limit	No

¹ Note: This “Quick Reference” is not intended as a substitute for the Sign Regulations outlined in Article II, Section 10 of the Zoning Ordinance. Please refer to the specific section cited in the Sign Regulations for details on a specific type of sign.



TOWN OF
NEW LONDON, NEW HAMPSHIRE

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New London Planning Board
Proposed Zoning Amendment Language
SIGN PROVISIONS
For Public Hearing on Monday, January 23, 2017

Article II, General Provisions # 10 Sign Regulations- The current language of Article II, Signs will be replaced with the following proposed language, and other sections of the Zoning Ordinance will be amended as described below. The Planning Board proposes to include provisions for content- neutral signs per the US Supreme Court decision Reed vs. Town of Gilbert, and to clarify and make the ordinance more user friendly.

Proposed Sign Regulations

Purpose

Signs perform various functions including being essential for public safety and the general welfare of residents and visitors to the Town, providing information on goods and services, and orienting and directing people and commerce in the Town. Signs also have the potential to have detrimental impacts on the community. Therefore the purposes of these sign regulations is to:

1. Prevent hazards to vehicular and pedestrians traffic safety by controlling the number, location and placement of signs;
2. To facilitate efficient and effective communication with the use of content neutral regulations;
3. To support economic development and community vitality by informing the community of available goods, services and activities;
4. To enhance community character by mitigating the visual affects signage has on the community.

Definition of Sign

Sign Definition: Any combination of letters, numerals, lines, symbols, shapes or designs, in any medium, on any surface, intended to convey the identity of, or information about, any person, place, thing, product or service.

General Provisions:

- a) A Sign Permit Application is required to alter, erect or relocate a Sign. Changing the message on the sign does not require a sign permit application. The Board of Selectmen/Town shall act to approve or deny a sign permit application. The Town may solicit input from the Police Chief, Fire Chief, Director of Public Works or any other Town staff as deemed necessary.
- b) All Signs or lighting of Signs shall not be placed in such a position as to endanger traffic

on a Street or pedestrians on a sidewalk by interfering with motorist's vision by obscuring a clear view or with official Street signs or signals, and must be placed a minimum of six (6) feet from the edge of the pavement or travel surface. All signs shall be at an adequate height so as not to be interfering with pedestrian, vehicular traffic, or snow removal.

- c) Property/Sign owners shall maintain their Signs in good condition and repair at all times.
- d) The owner shall remove any signs located on a site within ninety (90) calendar days of when said Use has been discontinued.
- e) Only one (1) temporary on-site sign is permitted on the property at any given time. All temporary signs shall be placed at least ten (10) feet from the abutting property line. No temporary sign shall be larger than four (4) square feet. Temporary signs shall not be illuminated. Temporary signs may include sandwich board type signs. A temporary sign may be posted without a permit for a special sale or special event, seven (7) calendar days before the event (the date of the event shall be noted on the sign), and shall be removed immediately following the event. The use of any temporary signs is intended to be displayed for a short-term and defined time period. If the Town receives written complaints regarding the prevalence of temporary signs on any site, the Board of Selectmen may require any future temporary signs be presented for their approval.
- f) One (1) Tree-mounted Sign is permitted per site during the winter period (November 1-May 1).
- g) The size of a Sign shall be computed based on overall dimensions, including moldings, trim, decorations, etc., but excluding posts, brackets, or other installation devices.
- h) The maximum height permitted for a free standing sign is twelve (12) feet off the ground.
- i) Any sign to be located on Town property shall be approved by the Board of Selectmen.

Sign Permit Process

1. This Sign Permit Application needs to be completed and submitted to the Board of Selectmen's Office for approval prior to altering, erecting or relocating a Sign. Changing the message on the sign does not require a sign permit application.
2. Institutional Districts: Institutional District, Institutional/Recreational District and the Hospital Institutional District: All Sign permit applications for these districts shall be reviewed by the Planning Board without formal Site Plan Review; however notice will be given to any abutter within 200 feet of where said sign will be placed, said notice shall be given via certified mail ten (10) calendar days prior to when the sign application is listed as a specific Planning Board agenda item. The Planning Board agenda serves as a notice to the general public. Signs internal to the campus of these institutions which are not visible to the abutters via walking or driving by the sign from a public roadway, not a roadway internal to the said land, shall not need Planning Board approval. Any sign application presented to the Planning Board shall be reviewed based on the potential visual impact to abutters, and the Planning Board shall determine if the number of signs, size, location and use is appropriate as presented.

Signs Not Requiring A Permit

- a) A Residential Use located in any zoning district is permitted a maximum of four (4) square feet of signage which may be one (for example 4 x 1) or two (for example 2 x 1 and 2 x1) signs.
- b) Any permanent sign of a Residential property or Business identifying the name of the owner, occupant, or Tree Farm with a maximum combined size of 4 square feet.
- c) Flags not containing commercial advertising may be displayed on private property, but shall not exceed fifteen (15) square feet, and shall be attached to the structure.
- d) Interior Window Signs which do not have the name or logo of the business on the premise and which are temporary signs advertising products or services.
- e) Signs regulating or defining access to private property which are under two (2) square feet in size. This includes, for example, Signs such as those indicating whether or not someone could trespass, hunt, hike or snowmobile on private property.
- f) Signs warning of hazards or other emergency operations signs.
- g) Traffic and pedestrian control and safety Signs. No logo material or advertising of the business or occupant on the premises, the Signs must be on-site and the Signs would be limited to a maximum of 3 square feet in size.
- h) Temporary Off-site and directional Signs not on the premises are permitted for one (1) day only, the day of the event, and shall not exceed four (4) square feet.

Prohibited Signs

- a) Banner across any travel way.
- b) Neon, tubular and flashing electric signs for display outside the building.
- c) Roof sign, signs extending above the deck line of a mansard roof or above the eave of a hip, gable, gambrel or other pitched roof Building.
- d) Signs on a trailer located for the purpose to advertise the business on site.
- e) Signs that move, such as LED screen or digital display signs (where the message is changing).
- f) Signs attached to any type of utility pole.
- g) Signs Lit Internally. This does not apply to signs for emergency situations or emergency facility, or as permitted by the State.

Signs and Number of Permanent Signs By Zone District

- a) Signs naming residential developments/neighborhoods: One on-site Sign, with the size regulated by the underlying Zone District, which must be located on the common land or on private property and not in the road Right-of-Way.
- b) In the Commercial District an individual commercial business occupying a single premise shall be permitted two advertising Signs and no more than one of the two permitted Signs shall be a free standing Sign. The maximum size of any one Sign shall be 15 square feet.

- c) In the Commercial District when two or more commercial businesses occupy a single premise, each Commercial Use is permitted a total of two Signs. No more than one free standing Sign encompassing all of the commercial businesses on the single premise shall be permitted, no larger than 25 square feet in size. If a business shares a free standing Sign, then it is permitted one additional Building mounted Sign with a maximum size of 15 square feet. If the business does not use a free standing Sign, then it is permitted two Building mounted Signs with a maximum size of 15 square feet each.

Other Proposed Amendments to the Zoning Ordinance which pertain to signs.

- Article III, Definitions delete the definition #132 Riders.
- Article II, General Provisions, # 14 Temporary Ancillary Sales, pages 12-14, specifically 14, b (4), c (3), d (6), e (6), f (4);
- Article II, General Provisions # 15 Home Occupation/Home Business, pages 14-17, delete Home Occupation provisions 1(b) – No on-premise Sign advertising the business and Home Business provisions 2 (b) – The number, type and size of Signs advertising the business shall be in conformance with the Sign regulations specified in Article II, Section 10.
- Article V, Residential District, A (7), page 37 delete (A) 7- Signs in Residential Districts shall conform to the provisions in Article II, Section 10.
- Table found in the back of the Zoning Ordinance- Quick Reference to Sign Size and Number by Zone District.

No changes proposed to these sections.

- Article XIII, Wetlands Conservation Overlay District, (F, 2) page 51 remain
- Article XXI, Board of Adjustment, (2, h), page 86 remain
- Article XXIII, Telecommunication Facilities Ordinance, #6 page 102 remain
- Article XXV, Small Wind Energy Systems, (e), page 108 remain
- Article XXVII, Enforcement (3, a) page 117 remain



TOWN OF
NEW LONDON, NEW HAMPSHIRE

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New London Planning Board
Proposed Zoning Amendment Language
Accessory Dwelling Units (ADU)
For Public Hearing on Monday, January 23, 2017

Article II, General Provisions # 18 Accessory Dwelling Units – The current language of Article II, General Provision# 18 Accessory Dwelling Units will be replaced with the following proposed language and the current Definition of ADU, Article III, Definition # 3 will be replaced with the new definition, as defined in the ADU provisions. Article III, Definition # 3 will also include the new definition of ADU.

Accessory Dwelling Unit:

1. Purpose: The purpose and intent of an Accessory Dwelling Unit is to address the need and desire for more diverse, independent and affordable housing. These units will improve the inventory of smaller housing without significantly altering the rural character of the community.
2. Definition of ADU: A residential living unit that is within or attached to a single family dwelling, and that provides independent living facilities for one or more persons, including provisions for sleeping, eating, cooking, and sanitation on the same parcel of land as the principal dwelling unit it accompanies.
3. Administration: This section is enacted pursuant to RSA 674: 71 to 73 and the Planning Board shall have exclusive authority for the administration of this section of the ordinance, including granting of a conditional use permit and the adoption of regulations implementing the provisions of this section of the ordinance.
4. Creation of an Accessory Dwelling Unit in accordance with the provisions of this section is permitted through a Conditional Use Permit administered by the Planning Board.
 - a. A Conditional Use Permit Application shall contain the following:
 - i. A complete application for review that addresses all requirements of this article and any article referenced within
 - ii. A written statement indicating the applicants intent and/or purpose for the creation of the Accessory Dwelling Unit
 - iii. List and mailing address of all abutters and the applicant
 - iv. Fees for notifying abutters and the applicant
 - v. Written requests for waivers from any of the requirements or standards
5. Accessory Dwelling Units (ADU) shall conform with the following:
 - a. Only one ADU per Single-Family Dwelling
 - b. To the fullest extent permitted by law, (i) there shall be no conveyance of an Accessory Dwelling Unit separate from the principal Dwelling unit, (ii) the Accessory Dwelling Unit shall not have ownership separate from the owner of the Lot on which the principal Dwelling unit is located, and (iii) the Lot and the Structure containing the Accessory Dwelling Unit shall not be converted to a

condominium or any other form of legal ownership distinct from the ownership of the principal Dwelling unit.

- c. All applicable setbacks shall be met
- d. An ADU shall have a separate 9-1-1 address
- e. One of the dwellings shall be the domicile of the property owner
- f. An ADU shall have independent sleeping, cooking and sanitation facilities (bedroom, kitchen and bathroom)
- g. An ADU shall have no more than two bedrooms
- h. An ADU shall not exceed 1,000 square feet
- i. An ADU shall conform to the requirements of a Single Family Dwelling including provisions for water supply and sewage disposal meeting the requirements of this ordinance and applicable state regulations
- j. Off street parking shall be provided; one space per bedroom
 - i. Garage space(s) meet this requirement
 - ii. Off street parking shall not be within the front yard setback
- k. Attached Accessory Dwelling Units:
 - i. Shall have entrances/exits facing the side or rear property lines
 - ii. Shall have an interior door connecting the units
 - iii. Shall not be considered an additional dwelling unit for the purposes of determining minimum lot size or density

Article III, Definitions- the current definition will be replaced with the new definition, as defined in the ADU provisions.

~~3. — Accessory Dwelling Unit: A secondary Dwelling Unit attached to, incorporated into and subordinate to the primary Dwelling Unit with a common roof and common wall or common ceiling/floor, in accordance with the provisions of this section. Detached Accessory Dwelling Units are not allowed.~~

3. Accessory Dwelling Unit: A residential living unit that is within or attached to a single-family dwelling, and that provides independent living facilities for one or more persons, including provisions for sleeping, eating, cooking, and sanitation on the same parcel of land as the principal dwelling unit it accompanies.