

2009
ZONING ORDINANCE
TOWN OF RINDGE
NEW HAMPSHIRE

Adopted and Effective March 14, 1961

Amended

March 12, 1963 March 8, 1988

March 12, 1968 March 14, 1989

March 9, 1971 March 13, 1990

March 7, 1972 March 12, 1991

March 8, 1977 March 10, 1992

March 14, 1978 March 9, 1993

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March 10, 1981 March 12, 1996

March 9, 1982 March 10, 1998

March 12, 1985 March 9, 1999

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March 12, 2002 March 11, 2003

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March 8, 2005 March 14, 2006

March 13, 2007 March 11, 2008

September 9, 2008

March 10, 2009

ZONING ORDINANCE

TOWN OF RINDGE, NEW HAMPSHIRE

ARTICLE 1

Preamble

Pursuant to the authority conferred by Chapter 672 through 677 inclusive, New Hampshire Revised Statutes Annotated, as amended and for the purpose of promoting the health, safety, and welfare of the inhabitants, and preserving the values and charm now attached to the Town, the following ordinance is hereby adopted by the Town of Rindge, New Hampshire, in town meeting convened.

The following Ordinances, also adopted by the Town of Rindge, New Hampshire, and subsequently amended, are hereby incorporated as a part of the Rindge Zoning Ordinance:

1. Zoning Ordinance
2. Sign Ordinance
3. Wetland Conservation District Ordinance
4. Phased Development Ordinance
5. Planned Unit Residential Development Regulation
6. Regulations Governing Earth Excavation
7. Aquifer Protection Ordinance
8. Underground Storage Tank Bylaws
9. Floodplain Development Ordinance
10. Sexually Oriented Business Ordinance
11. Wireless Telecommunication Facility Ordinance
12. Impact Fee Ordinance
13. Accessory Dwelling Unit Ordinance
14. Growth Management Ordinance

ARTICLE II

Districts

For the purpose of this ordinance, the Town of Rindge shall be divided into eight (8) districts as shown on the official zoning map filed with the Town Clerk and dated September 9, 2008.

1. Residential District
2. Residential Agricultural District
3. Village District
4. College District
5. Business-Light Industry District
6. Commercial District
7. Gateway Central District
8. Gateway East District

ARTICLE III

General Provisions

The following provisions shall apply to all districts:

- A. After passage of this ordinance, it shall be unlawful to erect, alter, expand or relocate any building in any district without first obtaining a building permit from the Building & Fire Safety Inspector. The Building & Fire Safety Inspector shall issue any and all building permits requested when such is in accordance with the provisions of this ordinance and make a reasonable charge for such permits. The Selectmen may waive any fees for alterations it deems to be minor in nature. If an applicant has not completed the proposed construction or received an approved certificate of occupancy within the one (1) year time limit, the applicant must renew the permit by applying for a renewed building permit. The applicant may qualify for renewal provided substantial construction (as determined by the Building & Fire Safety Inspector) has been completed prior to a request for renewal. If a building permit expires and does not qualify for renewal, the applicant must submit a new application including the payment of all applicable fees.
 - 1. Application, or notice to the code official, is not required for ordinary repairs to structures, but such repairs shall not include the cutting away of any wall, partition or portion thereof, the removal, replacement or cutting of any structural beam or bearing support, or the removal or change of any required means of egress rearrangement of parts of a structure affecting the exit requirements; gas; waste, vent or similar piping, electric wiring or mechanical or other work affecting public health or general safety.
 - 2. Driveway accesses shall be constructed in accordance with the "Driveway Access Regulation" adopted by the Planning Board and subsequently amended.
- B. The Board of Selectmen shall issue any and all sign permits requested when such is in accordance with the provisions of the Sign Ordinance.
- C. Occupancy Permit: No building or addition to a previously existing building shall be occupied or used for any purpose and no building shall be changed to another use (including conversion from seasonal to year-round use) until a certificate of occupancy has been issued by the Building & Fire Safety Inspector. Such certificates shall be issued only after they have inspected the property and found that it complies with all the provisions of the Rindge Zoning Ordinance, and with building and driveway permit regulations, as specified by the Board of Selectmen, and with all state laws and regulations, including those pertaining to sewage disposal and wells.
- D. 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.

- E.** A permit from the Planning Board shall be required by the property owner for earth removal in accordance with the Regulation Governing Earth Excavation adopted by the Rindge Planning Board on August 12, 1991, including any subsequent amendments to such regulations, and with the provisions of R.S.A 155-E as amended.
- F.** No junk yard or place for the storage of discarded machinery, vehicles, or other scrap material shall be maintained in any district except as provided for hereinafter.
- G.**
1. All dwellings and sanitary systems shall be constructed and maintained in accordance with standards set and endorsed by the New Hampshire Department of Health and the New Hampshire Water Supply and Pollution Control Commission as per R.S.A. 147 and 149.
 - a. The Selectmen may waive the setback requirements for replacement or repairs of existing non-conforming septic systems.
 - b. Test pits and/or perk tests may be witnessed by the Selectmen or Building & Fire Safety Inspector prior to approval of the plans by the Selectmen.
 2. All sewage disposal systems shall be in conformity with the provisions of Chapter 149-E of the New Hampshire Revised Statutes Annotated, as amended, relating to sewage disposal systems and the rules and regulations issued pursuant thereto by the New Hampshire Water Supply and Pollution control Commission.
 3. No well intended to be used for water supply shall be located closer than fifteen (15) feet to the edge of a right of way.
 4. No building in any district shall be located closer than fifty (50) feet from the high water level of a water body, or watercourse as identified on the Surface Water Map and listed in Tables 1 and 2 of the Rindge Water Resource Management and Protection Plan or otherwise identified as such by the Conservation Commission.
 5. Property owners who offer for sale or transfer ownership of property located within 200' of a great pond must submit a copy of the "Site Assessment Study Report" for existing septic systems (as required by RSA 485-A:39) to the Board of Selectmen or the Building & Fire Safety Inspector at the time of filing the report with Water Supply and Pollution Control Division.
- H.** "Underground Storage Tanks:" All new and replacement facilities which are excluded from state regulations under N.H. C.A.R. Env-Ws 411.02 © and (d), as amended, for the underground storage of petroleum products, shall comply with the Underground Storage Tank Bylaws adopted by the Town on March 9, 1993 and subsequently amended.
- I.** The Planning Board may approve Planned Unit Residential Developments in which the density or intensity of land use and frontage may vary from the provisions of this Ordinance as provided in the Planned Unit Residential Development Regulations adopted by the Town March 24, 1987 and subsequently amended.

- J.** Any bona fide resident of the property may conduct a business consisting of a mailbox and /or telephone, using a room or part of their dwelling as an office provided that no supplies, material, equipment, or vehicles other than a personal car or pickup truck are maintained on the property.
- K.** Acceptance of any road: Prior to the acceptance of any road, the Board of Selectmen shall review and inspect the construction of the new road, as approved by the Planning Board, and review and inspect any existing private roads for the purpose of said roads becoming town maintained roads in accordance with the following provisions:
1. A Road Advisory Committee consisting of the three (3) Selectmen, two (2) Planning Board members and other qualified citizens, as appointed by the Selectmen, shall be formed to render an advisory opinion.
 2. The Board of Selectmen shall seek the opinion of a qualified Professional Engineer of their choosing, registered in the State of New Hampshire, who shall provide them with a written report regarding compliance with town standards, bond and security issues, projected maintenance, and other items as requested. The owner of the road is responsible for the payment of all consulting and engineering fees incurred and failure to do so is cause for disapproval.’
 3. The Board of Selectmen shall conduct the layout of roads as defined in New Hampshire revised Statutes R.S.A. 43 and 231, as amended.
- L.** All buildings and structures and additions to buildings and structures, or any portion thereof, shall be limited to a height no greater than forty five (45) feet above the lowest finish grade. Buildings or structures located in the Business-Light Industry district or in the College District may exceed this height only upon the granting of a Special Exception by the Board of Adjustment when said Board is satisfied that the proposed use meets the requirement imposed by Article XIV, Section B and upon Site Plan approval by the Planning Board, unless waived. The height limitation of this ordinance shall not apply to flagpoles, church spires, belfries, chimneys, wind energy conservation systems, antennas, farm silos, or other similar structures.
- M.** New multi-unit housing consisting of four or more attached units which will be occupied for the first time on or after March 12, 1991 must meet certain standards of handicap accessibility in accordance with the Fair Housing Amendments Act (42 USC 3601).
- N.** Travel trailer/motor homes: Campers, travel trailers and motor homes may be stored unoccupied a the owner’s premises or permanent domicile in any district in the Town of Rindge for any period of time, provided that such units meet any required setback. The Board of Selectmen may issue a permit for campers, travel trailers, and motor homes, registered to the owner of a lot, to be temporarily occupied for camping purposes, by the owner of a property in any district for a period of 60 days in a calendar year. (Tents do not require permits). The units must meet building setbacks and be able to demonstrate that proper sanitary facilities are available, as determined by the Health Officer, and all applicable

state and local code requirements are met. No unit may be used for permanent dwelling at any time.

- O.** Mobile homes may be temporarily allowed, by special permission of the Selectmen, for specific periods of time not to exceed twelve (12) months, in the event of a catastrophe rendering an existing dwelling unusable, to allow for repair or rebuilding of the dwelling, provided that a safe and adequate disposal of sewage and a safe water supply can be provided without endangering the health and safety of adjoining residents.
- P.** Swimming Pools with water depth capacity of three or more feet require building and electrical permits, must be properly gated and fenced, as directed by the Building and Fire Safety Inspector, and must meet building setbacks.
- Q** Agricultural uses of land: In accordance RSA 672:1, III-d, whenever agricultural activities are not explicitly addressed with respect to any zoning district or location, they shall be deemed to be permitted there, as either a primary use or an accessory use, so long as they are conducted in accordance with Best Management Practices as adopted by the Commissioner of Agriculture, Markets and Food and in accordance with Federal and State laws, rules and regulations

ARTICLE IV

Residential District

The following provisions shall apply to the Residential District:

A. Uses Permitted:

1. It shall be a district of single family dwellings only, and shall not include mobile homes as defined in Article XIX, Number 24. Each Dwelling shall be on a separate lot.
2. “Churches are allowed upon the granting of a Special Exception by the Board of Adjustment, when the Board is satisfied that the proposed use meets the requirements imposed by Article. XIV, B.
3. Bed and Breakfast establishments are permitted only upon the granting of a Special Exception by the Board of Adjustment when said Board is satisfied that the proposed use meets the conditions in Article XIV, and in accordance with the following Regulations regarding Bed & Breakfast establishments, and a Site Plan Approval (unless waived by the Planning Board.
 - a. The proposed Bed & Breakfast must be located in a residential structure that exists as of the effective date of this amendment (3-13-90).
 - b. Non-residential structures commonly associated with residential structures such as barns, out buildings or other accessory buildings shall not be converted for guest rooms regardless of whether said structure is attached to the residence or it is a free standing structure.
 - c. Proposed exterior additions or alterations that would increase the size of the original building or alter its exterior appearance must be submitted to the Planning Board for site plan review and approval.
 - d. There shall be no more than five (5) guest rooms in the establishment.
 - e. The applicant proposing a Bed & Breakfast establishment must submit a site plan to the Planning Board for review and approval. The site plan shall be prepared in accordance with the Town’s Site Plan Review Regulations.
 - f. Adequate, on site parking shall be provided for the owners, employees and guests of the Bed & Breakfast. Minimum spaces for parking shall be provided as follows:

Owners - 2 spaces --- Employees - 1 space/employee--- Guests - 1 space

Parking areas shall be as unobtrusive as possible and not visually detract from the general appearance of the building and its grounds or neighboring properties. No off site parking in Town or State road right-of-ways will be permitted.

- g. The applicant proposing the Bed & Breakfast shall provide certification from New Hampshire Water Supply and Pollution Control Division that the present septic system is capable of handling the additional sewage loading or present a state approved plan for expanding or replacing the present system.
- h. The Bed & Breakfast establishment shall not cater to special or ancillary function, whether guests related or not. Such functions include but are not limited to: wedding parties and receptions; other similar private parties and receptions corporate/institutional meetings; seminars; workshops; religious retreats; etc.
- i. Any future changes to an approved Bed & Breakfast establishment shall require a new (revised) site plan review and approval, unless the Planning Board waives the need for a new site plan review and approval of same, before any work proceeds on said changes or a building permit is issued.

B. Frontage, Yard and Area Requirements

- 1. Frontage: Every lot shall have a minimum lot frontage of two hundred fifty (250) feet as defined in Article XIX Number 17.
- 2. Yard: No building shall be located closer than fifteen (15) feet to an abutter's property line or fifty (50) feet from the edge of a right of way.
- 3. Area: Each lot shall have an area of no less than two (2) acres.

ARTICLE V

Residential-Agricultural District

The following provisions shall apply to the Residential-Agricultural District:

A. Uses Permitted:

1. It shall be a district of farms, and single and two family dwellings only. Home Occupations and Building and Service Trades are permitted only upon the granting of a Special Exception by the Board of Adjustment when said Board is satisfied that the proposed use meets the requirements imposed by Article XIV, B, and subject to Site Plan approval unless waived by the Planning Board.
2. Multi-family dwellings are permitted only upon the granting of a Special Exception by the Board of Adjustment when said Board is satisfied that the proposed use meets the requirements imposed by Article XIV, B, and upon Site Plan approval by the Planning Board.
3. Tourist homes, including Bed & Breakfast establishments are permitted only upon the granting of a Special Exception by the Board of Adjustment when said Board is satisfied the proposed use meets the conditions stated in Article IV, A, 3.
4. All future mobile homes shall be located in mobile home parks and mobile home subdivisions. Such parks and subdivisions may be established in the Residential-Agricultural District in accordance with the Subdivision Regulations and Site Plan Review Regulations adopted by the Planning Board.
5. "Churches" are allowed upon the granting of a Special Exception by the Board of Adjustment, when the Board is satisfied that the proposed use meets the requirements imposed by Article XIV,B.
6. Elderly Housing is allowed upon the granting of a Special Exception by the Board of Adjustment when the Board is satisfied that the proposed use meets the requirements imposed by Article XIV,B and subject to Site Plan approval from the Planning Board with the following conditions:
 - a. When the development is proposed, either within existing buildings or new construction, certain density or intensity of land use, frontage, yard and setback requirements may vary from the provision of this ordinance, only with Site Plan approval by the Planning Board.
 - b. The maximum allowable dwelling units will be determined by the Planning Board based on on-site septic and well capacity and the impact on existing land uses in the area.

7. A *Village Plan Alternative, as per RSA 674:21, Innovative Land Use Controls*, is allowed only upon the granting of a Special Exception by the Board of Adjustment when said Board is satisfied that the proposed use meets the conditions in Article XIV, B, subject to Subdivision approval from the Planning Board and in accordance with the following provisions:
 - a. The entire density permitted is located on 20 percent or less of the entire parcel available for development, and shall provide to the Town, as a condition of approval, a recorded easement reserving the remaining land area of the entire, original lot, solely for agriculture, forestry, and conservation, or for public recreation. The recorded easement shall limit any new construction on the remainder lot to structures associated with farming operations, forest management operations, and conservation uses. Public recreational uses shall be subject to the written approval of those abutters whose property lies within the village plan alternative subdivision portion of the project at the time when such a public use is proposed.
 - b. The overall density of development shall not exceed the total potential development density permitted in a conventional subdivision of the entire original lot.
 - c. When the development is proposed, certain density or intensity of land use, frontage, yard and setback requirements may vary from the provision of this ordinance.

B. Frontage, Yard and Area Requirements

1. Frontage: Every lot shall have a minimum lot frontage of two hundred fifty (250) feet as defined in Article XIX, Number 17.
2. Yard: No building shall be located closer than thirty (30) feet to an abutter's property line or fifty (50) feet from the edge of a right of way.
3. Area:
 - a. Single family dwellings shall have an area of no less than two (2) acres.
 - b. Two family dwellings shall have an area of no less than three (3) acres.
 - c. Multi-family dwellings shall have an area of no less than two (2) acres for each dwelling unit.

ARTICLE VI
Village District

The following provisions shall apply to the Village District:

- A. Uses permitted:** Any use permitted in the Residential or in the Residential-Agricultural District except that Mobile home parks and Mobile home subdivisions shall not be permitted.
- B.** Any of the following uses subject to Site Plan Review and approval by the Planning Board.
1. Business, professional offices and banks.
 2. Coffee shops, bakeries or other similar eating establishments
 3. Churches, schools, day-care centers, and government offices
 4. Barber shops and beauty salons
 5. Craft, gift and antique shops
 6. Other uses similar to those listed above.

C. Frontage, Yard and Area Requirements

1. Frontage: Every lot shall have a minimum lot frontage of two hundred fifty (250) feet as defined in Article XIX, Number 17
2. Yard: No building shall be located closer than fifteen (15) feet to an abutter's property line or fifty (50) feet from the edge of a right of way.
3. Area:
 - a. Single family dwellings shall have an area of no less than two (2) acres.
 - b. Two family dwellings shall have an area of no less than three (3) acres.
 - c. Multi-family dwellings shall have an area of no less than two (2) acres for each dwelling unit.

ARTICLE VII

College District

The following provisions shall apply to the College District.

A. Uses Permitted: Buildings may be erected, altered, used or occupied only for the following purposes in accordance with the following provisions:

1. Any use permitted in the Residential or Residential-Agricultural, or Village Districts except that mobile home parks and mobile home subdivisions shall not be permitted.
2. Subject to Site Plan approval by the Planning Board, buildings may be constructed and used for the following: Educational, instructional, and classroom purposes; administrative and operational purposes; maintenance and utility operations; storage; dining halls; public performance; conferences; indoor and outdoor recreational/athletic facilities; student housing; and other similar college related uses.

B. Frontage, Yard and Area Requirements

1. Frontage: Every lot shall have a minimum lot frontage of two hundred fifty (250) feet as defined in Article XIX , Number 17.
2. Yard: No building shall be located closer than seventy five (75) feet from the edge of a right of way or thirty (30) feet to an abutter's property line, unless the abutting property is located in another zoning district then the side and rear setbacks shall be fifty (50) feet from the abutter's property.
3. Area:
 - a. Single family dwellings shall have an area of no less than two (2) acres.
 - b. Two family dwellings shall have an area of no less than three (3) acres.
 - c. Multi-family dwellings shall have an area of no less than two (2) acres for each dwelling unit.
 - d. Non-residential uses shall have an area of no less than two (2) acres.

ARTICLE VIII

Commercial District

The following provisions shall apply to the Commercial District.

- A. Uses permitted:** buildings may be erected, placed, altered or used and a lot may be used or occupied only for the following commercial uses and in accordance with the following provisions.
1. Any of the following uses subject to Site Plan Review and approval by the Planning Board.
 - a) Retail or wholesale stores, sales rooms, or warehouses for storage of merchandise.
 - b) Business and professional offices;
 - c) Banks and other financial institutions;
 - d) Business, professional and personal service uses;
 - e) Building and Service Trades
 - f) Business and/or office developments (integrated retail shopping and office facilities);
 - g) Restaurant, lunchrooms, coffee shops and other types of eating places with or without the sale of alcoholic beverages;
 - h) Laundromats/dry cleaning facilities;
 - i) Day care centers;
 - j) Schools, churches and related facilities;
 - k) Municipal buildings/fire stations;
 - l) Funeral Homes;
 - m) Craft, gift and antique shops;
 - n) Medical and dental clinics;
 - o) Nursing homes;
 - p) Indoor/outdoor commercial recreation facilities;
 - q) Photographic, artisan and craft studios;
 - r) Hotels, motels, lodging and boarding houses, tourist homes including Bed & Breakfast establishments;
 - s) Home occupations in existing residences;
 - t) Other uses similar to those listed above.
 2. None of the uses described above shall be construed to permit gasoline or other fuel sales or service establishment, or automobile and truck sales or service establishments.

Commercial District –continued:

B. Frontage, Yard and Area Requirements

1. Frontage: Every lot shall have a minimum lot frontage of two hundred fifty (250) feet as defined in Article XIX, Number 17.
2. Yard: No building shall be located closer than twenty-five (25) feet from the edge of a right of way or ten (10) feet to an abutter's property line, unless the abutting property is a residence or located in another zoning district, then the side and rear property setbacks shall be fifty (50) feet from the abutter's property.

In no case shall any building be constructed closer than twenty-five (25) feet from another building.

3. Area: All Commercial uses shall have an area of no less than two (2) acres.

ARTICLE IX

Business-Light Industry District

The following provisions shall apply to the Business-Light Industry District:

A. Uses Permitted: Buildings may be erected, placed, altered, or used and a lot may be used or occupied only for the following purposes and in accordance with the following provisions:

1. Any of the following uses, subject to Site Plan approval by the Planning Board:
 - a) Any use permitted in the Commercial District Article VIII.
 - b) Automobile-truck sales and service establishments, garages, and gasoline sales or service stations.
 - c) Sales of recreation trailers and mobile homes.
 - d) Research laboratories.
 - e) Manufacturing and distributing of electronic and computer systems.
 - f) Printing shops, for the publication of newspapers, periodicals, or other printed matter.
 - g) Construction and construction related businesses, such as plumbing, heating, electrical, and roofing establishments.
 - h) Clothing, drapery, bedding, and curtain manufacturing.
 - i) Furniture manufacturing and upholstery.
 - j) Machine shops and tool and metal products manufacturing, when such machinery and when such uses do not create or emit excessive noise, odor, fumes, or vapor, and do not involve disposal of hazardous waste.
 - k) Manufacturing of toys and novelty items.
 - l) Trucking and freight terminals.
 - m) Building materials and storage yards.
 - n) Private, social and fraternal clubs.
 - o) Other commercial and industrial uses similar to those listed above.
2. Sexually Oriented Business uses are allowed only upon the granting of a Special Exception by the Board of Adjustment. Said Board must be satisfied that the proposed use meets the requirements imposed by Article XIV, B of the Rindge Zoning Ordinance, and will be in compliance with the town's "Sexually Oriented Business Ordinance" and subject to Site Plan approval by the Planning Board.

Business-Light Industry District- continued:

B. Frontage, Yard and Area Requirements

1. Frontage: Every lot shall have a minimum lot frontage of two hundred fifty (250) feet as defined in Article XIX, Number 17.
2. Yard: No building shall be located closer than twenty-five (25) feet from the edge of a right of way or ten (10) feet to an abutter's property line, unless the abutting property is a residence or located in another zoning district, then the side and rear property setbacks shall be fifty (50) feet from the abutter's property.

In no case shall any building be constructed closer than twenty-five (25) feet from another building.

3. Area: All Commercial and Industrial uses shall have an area of no less than two (2) acres.

ARTICLE X

Gateway Central District

The Gateway Central District shall permit coordinated mixed uses while providing for the preservation of open space, water resource protection and recreational opportunities. The purpose of the Gateway District is to encourage flexibility in the development of land in order to promote its most efficient and highest and best use and to preserve natural features and open space pursuant to the provisions of RSA 674:21.

The Gateway Central District is intended to allow increased density development in a limited area along the highway corridors and to provide for a transition from these more concentrated business uses at highway access points to residential development and open space at the outer edges of the District. The Gateway Central District will provide a greater opportunity for the construction of quality development by providing flexible guidelines which allow the integration of a variety of land uses and densities in one development.

The Gateway Central District will encourage development configurations along the highway corridors which are interconnected by secondary service roads, are visually appealing and consistent with traditional New England architecture, and transition gradually to less intense land uses. The Gateway Central District will implement the "Mixed Use District" goals set forth in the Rindge Master Plan by providing for compact mixed use development which is pedestrian friendly and encourages a mixture of business, commercial and residential land uses while preserving the natural beauty of State Route 119 and US Route 202 roadways as they enter Rindge.

Consistent with the above purposes, the goals of the Gateway Central District are:

- to encourage the interconnection of properties through easements, drives and pedestrian walkways;
- to attract compatible business, commercial, institutional, recreational and residential uses to the District;
- to minimize adverse traffic impacts on Routes 202 and 119 as well as on surrounding local roads;
- to encourage diversity in the Town's tax base through flexibility in land use;
- to preserve valuable historical, cultural and natural features within the District and to minimize adverse environmental impacts on water and air quality and scenic vistas and the effects of light and noise pollution.

A. **Uses Permitted:** Land in the Gateway Central District may be used, and buildings and structures may be erected, for the following uses subject to Site Plan Review and approval by the Planning Board:

1. Moderate to High Density Housing as a part of a Mixed Use Development. Single family homes are allowed only on single lots of record in existence as of September 9, 2008 and having an area of two (2) acres or less, provided that they meet all other Town and State regulations.
2. Retail (not including sales and service of trucks, heavy equipment and automobiles).
3. Business and office uses, professional services, banks and investment services.
4. Restaurant and food sales.
5. Hotels and other types of lodging facilities and conference centers.
6. Churches, schools, child and elder day-care facilities, government uses.
7. Medical and dental facilities.
8. Nursing homes and assisted living facilities.
9. Barber shops and hair salons.
10. Funeral homes.
11. Craft, gift and antique shops, retail specialty shops.
12. Commercial recreation facilities.
13. Convenience stores.
14. High technology and research and development (not including the storage and/or handling of volatile or hazardous materials).
15. Home Occupations in existing residences.
16. Building and Service Trades (not including the storage and/or handling of volatile or hazardous materials).

B. General Provisions: All proposals for development in the Gateway Central District will be reviewed with consideration for the scale and character of the development, the creation of interconnected and interconnected systems of internal roadways and pedestrian walkways and pathways, the proposed development's effect on adjoining properties and uses, compatibility of uses proposed, the design and configuration of buildings to be constructed, the provision of meaningful open space, the effects of traffic generation on existing and proposed roadways and environmental impacts and/or benefits. The Planning Board will consider potential roadway layout, connections to adjacent properties, traffic patterns, pedestrian flows, architecture and open space configuration. The Planning Board may also consider additional aspects of the proposed development in connection with its review.

More than one building on a lot and more than one use in a building is permitted provided that the development site can adequately and safely accommodate a mixture of uses and that there are adequate water and septic facilities.

C. Frontage, Yard and Area Requirements:

- 1) **Frontage:** Unless modified by the Planning Board as provided for herein, every lot shall have minimum frontage, which also provides access, of 250 feet extending along the uninterrupted length of a public right of way maintained by the Town or the State of New Hampshire or along a driveway or service roadway which provides access to such public right of way, which driveway or service roadway is approved by the Planning Board in connection with a development permitted under this Article and complies with all Town specifications for such roadways.
- 2) **Yards:** No building shall be located closer than twenty-five (25) feet from the edge of a right of way or ten (10) feet to an abutter's property line, unless the abutting property is a residence or located in a residential zoning district, in which case the setbacks shall be fifty (50) feet from the abutting property. Appropriate buffering and screening shall be provided in side and rear yards. No off-street parking, except handicapped parking where necessary for access, shall be allowed in the front setback of retail, office or commercial buildings.
- 3) **Area:** All lots in the Gateway Central District shall have an area of not less than two (2) acres unless modified by the Planning Board as provided for herein.
 - a) In no case shall any building be located closer than twenty-five (25) feet from another building.
 - b) Density shall be based on on-site septic and well capacity and the impact of the proposed uses on existing uses in the area.
 - c) The density, frontage, yard, area and open space requirements set forth in this Section may be modified by the Planning Board in connection with Site Plan Review and/or Subdivision approval of a Mixed Use Development in the Gateway Central District when the site under consideration can be shown to meet the intent and objectives of this Article.

- d) Open Space: A minimum of 30% of the land proposed for development under this Article shall be preserved as open space. The open space shall be located throughout the parcel and shall, whenever possible, be contiguous. None of the curtilage of a building or structure or land used for parking or traffic circulation shall be used to meet this requirement. Landscaped areas, vegetated buffers, playgrounds and other outdoor recreation areas available to the public may be used to meet this requirement. Walkways, plazas, patios, terraces and other hardscaped areas available to the public may be used to meet this requirement. Well areas, septic systems, swales and ponds may also be used to meet this requirement. Fifty (50%) percent of the required open space shall be exclusive of land with slopes in excess of 15% and wetlands. The required open space shall be protected in perpetuity by covenants running with the land.

- e) Reserved Easements. Applicants who agree to provide easements over their land for shared access roads, driveways and/or pedestrian walkways may be compensated by being allowed to develop their property at a greater density provided that adequate water and septic capacity is available.

ARTICLE XI

Gateway East District

The Gateway East District shall permit coordinated mixed uses while providing for the preservation of open space, water resource protection and recreational opportunities. The purpose of the Gateway East District is to encourage flexibility in the development of land in order to promote its most efficient and highest and best use and to preserve natural features and open space pursuant to the provisions of RSA 674:21.

The Gateway East District is intended to allow increased density development in a limited area along the highway corridors and to provide for a transition from these more concentrated business uses at highway access points to residential development and open space at the outer edges of the District. The Gateway East District will provide a greater opportunity for the construction of quality development by providing flexible guidelines which allow the integration of a variety of land uses and densities in one development.

The Gateway East District will encourage development configurations along the highway corridors which are interconnected by secondary service roads, are visually appealing and consistent with traditional New England architecture, and transition gradually to less intense land uses. The Gateway East District will implement the “Mixed Use District” goals set forth in the Rindge Master Plan by providing for compact mixed use development which is pedestrian friendly and encourages a mixture of business, commercial and residential land uses while preserving the natural beauty of State Route 119 and US Route 202 roadways as they enter Rindge.

Consistent with the above purposes, the goals of the Gateway East District are:

- to encourage the interconnection of properties through easements, drives and pedestrian walkways;
- to attract compatible business, commercial, institutional, recreational and residential uses to the District;
- to minimize adverse traffic impacts on Routes 202 and 119 as well as on surrounding local roads;
- to encourage diversity in the Town’s tax base through flexibility in land use;
- to preserve valuable historical, cultural and natural features within the District and to minimize adverse environmental impacts on water and air quality and scenic vistas and the effects of light and noise pollution.

B. Uses Permitted: Land in the Gateway East District may be used, and buildings and structures may be erected, for the following uses subject to Site Plan Review and approval by the Planning Board:

17. Moderate to High Density Housing as a part of a Mixed Use Development. Single family homes are allowed only on single lots of record in existence as of September 9, 2008 and having an area of two (2) acres or less, provided that they meet all other Town and State regulations.
18. Retail (not including sales and service of trucks, heavy equipment and automobiles).
19. Business and office uses, professional services, banks and investment services.
20. Restaurant and food sales.
21. Hotels and other types of lodging facilities and conference centers.
22. Churches, schools, child and elder day-care facilities, government uses.
23. Medical and dental facilities.
24. Nursing homes and assisted living facilities.
25. Barber shops and hair salons.
26. Funeral homes.
27. Craft, gift and antique shops, retail specialty shops.
28. Commercial recreation facilities.
29. Convenience stores.
30. High technology and research and development not including the storage and/or handling of volatile or hazardous materials).
31. Home Occupations in existing residences.
32. Building and Service Trades (not including the storage and/or handling of volatile or hazardous materials).

B. General Provisions: All proposals for development in the Gateway East District will be reviewed with consideration for the scale and character of the development, the creation of intraconnected and interconnected systems of internal roadways and pedestrian walkways and pathways, the proposed development's effect on adjoining properties and uses, compatibility of uses proposed, the design and configuration of buildings to be constructed, the provision of meaningful open space, the effects of traffic generation on existing and proposed roadways and environmental impacts and/or benefits. The Planning Board will consider potential roadway layout, connections to adjacent properties, traffic patterns, pedestrian flows, architecture and open space configuration. The Planning Board may also consider additional aspects of the proposed development in connection with its review.

More than one building on a lot and more than one use in a building is permitted provided that the development site can adequately and safely accommodate a mixture of uses and that there are adequate water and septic facilities.

C. Frontage, Yard and Area Requirements:

- 4) **Frontage:** Unless modified by the Planning Board as provided for herein, every lot shall have minimum frontage, which also provides access, of 250 feet extending along the uninterrupted length of a public right of way maintained by the Town or the State of New Hampshire or along a driveway or service roadway which provides access to such public right of way, which driveway or service roadway is approved by the Planning Board in connection with a development permitted under this Article and complies with all Town specifications for such roadways.
- 5) **Yards:** No building shall be located closer than twenty-five (25) feet from the edge of a right of way or ten (10) feet to an abutter's property line, unless the abutting property is a residence or located in a residential zoning district, in which case the setbacks shall be fifty (50) feet from the abutting property. Appropriate buffering and screening shall be provided in side and rear yards. No off-street parking, except handicapped parking where necessary for access, shall be allowed in the front setback of retail, office or commercial buildings.
- 6) **Area:** All lots in the Gateway East District shall have an area of not less than two (2) acres unless modified by the Planning Board as provided for herein.
- f) In no case shall any building be located closer than twenty-five (25) feet from another building.
- g) Density shall be based on on-site septic and well capacity and the impact of the proposed uses on existing uses in the area.
- h) The density, frontage, yard, area and open space requirements set forth in this Section may be modified by the Planning Board in connection with Site Plan Review and/or Subdivision approval of a Mixed Use Development in the Gateway East District when the site under consideration can be shown to meet the intent and objectives of this Article.

- i) Open Space: A minimum of 30% of the land proposed for development under this Article shall be preserved as open space. The open space shall be located throughout the parcel and shall, whenever possible, be contiguous. None of the curtilage of a building or structure or land used for parking or traffic circulation shall be used to meet this requirement. Landscaped areas, vegetated buffers, playgrounds and other outdoor recreation areas available to the public may be used to meet this requirement. Walkways, plazas, patios, terraces and other hardscaped areas available to the public may be used to meet this requirement. Well areas, septic systems, swales and ponds may also be used to meet this requirement. Fifty (50%) percent of the required open space shall be exclusive of land with slopes in excess of 15% and wetlands. The required open space shall be protected in perpetuity by covenants running with the land.

- j) Reserved Easements. Applicants who agree to provide easements over their land for shared access roads, driveways and/or pedestrian walkways may be compensated by being allowed to develop their property at a greater density provided that adequate water and septic capacity is available.

ARTICLE XII

Nonconforming Uses and buildings

- A. When any existing nonconforming use of land or building has been discontinued for one year the land and buildings shall thereafter be used only in conformity to this ordinance.
- B. A lawful nonconforming use may be changed to a different nonconforming use upon the granting of a special exception by the Board of Adjustment when said Board is satisfied that the proposed use meets the requirements imposed by Article XIV,B, and provided the proposed use is determined by the Board to be more in conformity with the permitted uses in the district than the existing use.
- C. A lawful nonconforming building may be altered or expanded upon the granting of a Special Exception by the Board of Adjustment when the Board is satisfied that the proposed alteration or expansion meets the requirements imposed by Article XIV,B, and provided the alteration or expansion will not further violate dimensional requirements.
- D. No motor vehicle and machinery junk yard may be continued as a nonconforming use for more than one (1) year after the effective date of this ordinance, except that a motor vehicle and machinery junk yard may be continued as a nonconforming use if within that period it is maintained in accordance with the standards set and enforced by the New Hampshire Revised Statutes Annotated, Chapter 236, Section 111 through 129 as may be from time to time amended, and also in accordance with the standards required by the Board of Selectmen.
- E. Only a single family dwelling or accessory structures(s) may be erected on a lot having less than the minimum requirements for frontage and area provided such lot was a lot of record at the time of adoption of this ordinance (March 14, 1961) or as subsequently amended. However, yard requirements of Article IV, Residential District, Article V, Residential-Agricultural District, and Article VI, Village District, must be complied with whichever pertains. This requirement does not apply to Article VII, College District, Article VIII, Commercial District, Article IX Business Light Industry District.
- F. An owner of contiguous lots, any one of which has less than the required frontage and /or area, must combine such lots to conform to the frontage and area requirements of this Zoning Ordinance before any building permit may be issued, unless said lots have been previously approved by the Planning Board or exceed five (5) acres in area.
- G. Any lot sold or transferred by the owner of a lot contiguous to said lot on or after March 12, 1991, that does not meet the frontage and area requirements of this Zoning Ordinance will not be considered a separate building lot.

ARTICLE XIII

Enforcement

- A. It shall be the duty of the Board of Selectmen, and said Board is hereby given power and authority to enforce the provisions of this ordinance.
- B. Upon any well founded information that this ordinance is being violated, the Board of Selectmen shall take immediate steps to enforce this ordinance by taking any legal action authorized by New Hampshire Revised Statute Annotated, Chapter 676, Sections 15 - 19, inclusive, as may be from time to time amended.

ARTICLE XIV

Board of Adjustment/Special Exceptions/Variances

- A. Within thirty (30) days after the adoption of this ordinance and thereafter as such terms expire or vacancies occur, the Board of Selectmen shall make appointments to a Board of Adjustment of five (5) members conforming in the duties to the provisions of New Hampshire Revised Statutes Annotated, Chapter 673:3.
- B. The Board of Adjustment shall approve those Special Exceptions provided by this Ordinance, subject to the following criteria: If after presentation, including a review of the plan, showing the location, layout, a scale drawing, and location of any signs and utilities, the Board in its judgment, finds that the use will not create excessive traffic, congestion, noise, or odors, not tend to reduce the value of surrounding properties, has adequate sewage and water facilities and sufficient off-street parking, and will preserve the attractiveness of the Town, said use shall be granted.
- C. The Board of Adjustment may grant Variances for the use of property in a way which is not permitted under the strict terms of the Zoning Ordinance. For a variance to be legally granted, an applicant must show that the proposed use meets all of the criteria required by law.

ARTICLE XV

Amendments

This Ordinance may be amended by a vote at any legal Town Meeting in accordance with the provisions of R.S.A. 675:3 as amended.

ARTICLE XVI

Penalty

Upon conviction thereof, every person, firm, or corporation violating any of the provisions of this ordinance shall be fined in accordance with New Hampshire Revised Statutes, Chapter 676:17 as may be from time to time amended.

ARTICLE XVII

Saving Clause

Technical Corrections: The Planning Board may, by majority vote, correct technical errors or similar printing type of mistakes and may reorder, renumber and correct cross reference information, where needed throughout this Ordinance, provided the correction does not alter the meaning and original intent of the wording.

The invalidity of any provision of this ordinance shall not affect the validity of any other provision.

ARTICLE XVIII

Effective Date

This ordinance shall take effect upon its passage.

ARTICLE XIX

Definitions

1. Accessory building: A building subordinate to the main building on the lot and used for purposes customarily incidental to those of the main building.
2. Accessory dwelling unit: One (1) or more rooms attached to a dwelling unit which provide living facilities for a use which is secondary and subordinate to and customarily incidental to the use of a single family detached dwelling.
3. Agriculture, Farm, Farming: Per RSA 21:34-a, The word "farm" means any land, buildings, or structures on or in which agriculture and farming activities are carried out or conducted and shall include the residence or residences of owners, occupants, or employees located on such land. Structures shall include all farm outbuildings used in the care of livestock, and in the production and storage of fruit, vegetables, or nursery stock; in the production of maple syrup; greenhouses for the production of annual or perennial plants.
4. Alter: As applied to a building or structure, means a change or rearrangement in the structural parts or an enlargement, whether by extending on a side or by increasing in height, or by moving from one location or position to another.
5. Antenna: The wire, set of wires or rods, that sends or receives electromagnetic waves, however does not include the supporting structure.
6. Bed and Breakfast Facility: An owner occupied residence or a portion of which is used for lodging overnight guests for compensation and in which the only meal served is breakfast and only to in-house guests.
7. Building: Any structure located on the land, including a trailer or mobile home, used for the support, shelter, or enclosure of persons, animals, equipment, or materials.
8. Building and Service Trades: Shall include, but not be limited to, such building and service trades as carpenter, plumber, electrician, mason, and such similar trades where the tradesman performs his /her skill or works away from his/her home or business location and usually at the customer's site or property. No heavy equipment or outside storage of supplies, material, or equipment is to be permitted in connection of this use.
9. Concept Plan: A preliminary sketch for informal review by the Planning Director or Planning Board for a Preliminary Consultation or Design Review phase of a project development proposal. This sketch shall depict potential road layout, connections to adjacent properties, traffic patterns, pedestrian flows, proposed uses, anticipated densities, parking, architecture and formal and informal open spaces.

10. Context Plan: a plan which exhibits consistency with the objectives, principles and policies of the Master Plan and the regional geography.
11. Dwelling Unit: One (1) or more rooms, including cooking facilities and sanitary facilities in a structure, designed as a single unit for occupancy for living and sleeping purposes
12. Dwelling, Single Family: A single building, situated on a single lot, having one dwelling unit.
13. Dwelling, Two Family: (including duplex) A single building situated on a single lot having two dwelling units which are either attached side-by-side, through the use of a common party wall, or stacked with one dwelling unit over the other.
14. Dwelling, Multi-Unit: Any building or structure containing more than two (2) dwelling units.
15. Elderly Housing: A building, or group of buildings, containing dwellings where the occupancy of the dwellings is restricted to persons 55 years of age or older. This housing does not include convalescent or nursing facilities, but may include a congregate meal site and other areas for group resident activities.
16. Front Yard: A space extending for the full width of a lot between the extreme front line of a building and the nearest side of the right of way.
17. Frontage: The uninterrupted length of a lot bordering a public right of way maintained by the town or state, or in a subdivision approved by the Planning Board, to which the lot has legal right of access.
18. Home Occupation: Any use conducted entirely within the dwelling and carried on by an inhabitant of the dwelling, which use is clearly incidental and secondary to the use of the dwelling for dwelling or living purposes and does not change the character thereof.
19. Home Produce: Anything of an agricultural nature grown, produced, conditioned, or otherwise carried on the property of the resident and such articles as are manufactured or altered by the members of the household of the bona fide resident of the property.
20. Junk: Old metals; old bottles; solid textile mill waste; unfinished cloth or other textile mill yarns; old paper products; old rubber products; old plastic products; used parts and material or motor vehicles and other second hand or waste articles the accumulation of which is detrimental or injurious to the neighborhood.
21. Lots of Record: Land designated as a separate and distinct parcel in a legally recorded deed and plan filed in the records of Cheshire County, New Hampshire.
22. Low Impact Uses: Uses that do not create or emit excessive noise, odor, fumes, or vapor, and do not involve disposal of hazardous waste.

- 23. Mixed Use Development:** Development of a tract of land, building or structure with a variety of complementary and integrated uses such as but not limited to, residential, office, retail, public or entertainment, in a compact form.
- 24. Mobile Home:** A detached residential dwelling unit, designed for transportation after fabrication, on streets or highways, on its own wheels and arriving at the site where it is to be occupied as a dwelling complete and ready for occupancy, except for assembly operation, location on jacks or other temporary or permanent foundation, and connections to utilities.
- 25. Moderate to High Density Housing:** Residential development (3 or more attached units) which is concentrated in agreed upon growth zones, and is designed to reduce driving, create neighborhoods and foster community identity.
- 26. Multi-Tenant Business:** A building containing two (2) or more nonresidential units or condominiums, which are either attached side-by-side, through the use of a common party wall, or stacked with one unit over the other.
- 27. Non-conforming Building or Structure:** A building or structure which, in whole or in part, does not conform to the regulations of the district in which the building or structure is located.
- 28. Non-conforming Use:** A use of any building, structure, or land which does not conform to the use regulation of the district in which such use exists.
- 29. Right of Way and Private Way:** All Town, State, and Federal highways, rights of way dedicated to public use, and the land on either side of same as covered by States to determine the widths or right of way. For the purpose of determining setback distances only, a right of way shall be construed to include a private right of way which provides access to two (2) or more properties.
- 30. Sign:** A structure, building wall, or other outdoor surface or device used for visual communications which is used for the purpose of bringing the subject thereof to the attention of the public or to display, identify, and publicize the name and product.
- 31. Student Housing:**
 - (a) A building or buildings, or structures principally used, designed and/or adapted for the purpose of providing housing for students including, but not limited to, dormitories.
 - (b) A Dwelling Unit or Units occupied by students, which Unit or Units have been directly or indirectly contracted for and/or provided by the educational institution (or its agent) which the students attend.
- 32. Tourist Home:** An owner occupied residence or part thereof that provides temporary lodging to overnight guests for compensation.

- 33. Travel Trailer:** A trailer designed for recreational use and to be moved about and towed behind a vehicle.
- 34. Village Plan Alternative:** means an optional land use control and subdivision regulation to provide a means of promoting a more efficient and cost effective method of land development. The village plan alternative's purpose is to encourage the preservation of open space wherever possible. The village plan alternative subdivision is meant to encourage beneficial consolidation of land development to permit the efficient layout of less costly to maintain roads, utilities, and other public and private infrastructures; to improve the ability of the Town to provide more rapid and efficient delivery of public safety and school transportation services as community growth occurs; and finally, to provide owners of private property with a method for realizing the inherent development value of their real property in a manner conducive to the creation of substantial benefit to the environment and to the Town's property tax base.

Note: For accurate Zoning line measurements, refer to the official zoning map filed with the Town Clerk.