

**2024**  
**ZONING ORDINANCE**  
**TOWN OF RINDGE**  
**NEW HAMPSHIRE**

**Adopted and Effective March 14, 1961**  
**Amended**

March 12, 1963	March 12, 1968
March 9, 1971	March 7, 1972
March 8, 1977	March 14, 1978
March 13, 1979	March 11, 1980
March 10, 1981	March 9, 1982
March 12, 1985	March 11, 1986
March 10, 1987	March 8, 1988
March 14, 1989	March 13, 1990
March 12, 1991	March 10, 1992
March 9, 1993	March 8, 1994
March 14, 1995	March 12, 1996
March 10, 1998	March 9, 1999
March 14, 2000	March 13, 2001
March 12, 2002	March 11, 2003
March 9, 2004	September 14, 2004
March 8, 2005	March 14, 2006
March 13, 2007	March 11, 2008
September 9, 2008	March 10, 2009
March 9, 2010	March 8, 2011
March 13, 2012	March 12, 2013
March 11, 2014	March 10, 2015
March 8, 2016	March 18, 2017
March 13, 2018	March 9, 2021
March 28, 2023	March 12, 2024

# **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. Aquifer Protection Ordinance
6. Underground Storage Tank Bylaws
7. Floodplain Development Ordinance
8. Sexually Oriented Business Ordinance
9. Wireless Telecommunication Facility Ordinance
10. Accessory Dwelling Unit Ordinance
11. Small Wind Energy System 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.

The State of New Hampshire Building Code pursuant to NH RSA 155-A more appropriately titled The International Codes, including adopted Appendix Chapters and amendments, shall govern and regulate the construction, alteration, movement, enlargement, replacement, repair, equipment, location, removal and demolition of all detached one and two family dwellings, multiple single-family dwellings (townhouses), multiple family dwellings and all other commercial and industrial buildings in the Town of Rindge, said Codes also provides for the issuance of permits and collection of 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.
- 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 a Planned Unit Residential Development (PURD) in which the density or intensity of land use and frontage may vary from the provisions of this Ordinance and as provided in the Planned Unit Residential Development Regulations

adopted by the Town, March 24, 1987 and subsequently amended. The overall density of a PURD shall not exceed one (1) dwelling unit per the minimum lot size for the applicable zoning district. Accessory Dwelling Units (ADUs) added subsequently are exempt from density limits. PURD's are permitted in the Residential, Residential-Agricultural, Village and College Districts.

- J.** Any bona fide resident of the property and up to one non-resident may conduct up to one home occupation within an existing home provided that:
1. It shall be clearly incidental and subordinate to the principal residential use.
  2. Does not change the residential character or appearance of the home or any accessory buildings.
  3. Does not create any unusual noise, dust, odor or light that would distinguish it from other residential properties.
  4. Does not occupy more than 25% of the gross building area of the home.
  5. Has no more than four visitors or deliveries to the home on a daily basis.
  6. Has no exterior storage of materials.
  7. Has no more than one vehicle regularly parked on the property associated with the home occupation. Said vehicle shall not have more than six wheels.
- K.** Road Acceptance: Prior to the acceptance by the Board of Selectman of any road previously approved by the Planning Board as a public way, said road shall be reviewed and inspected in the following manner:
1. The Roadway Committee, consisting of the DPW Director, the Director of Public and Life Safety, the Chief of Police, the Planning Director, one member of the Planning Board and two qualified citizens, in this case one being an abutter to the road being considered, shall be convened to render an advisory opinion to the Board of Selectmen based solely on the construction and acceptability of the road as built. A majority of the membership of the Roadway Committee shall constitute a quorum.
  2. The Roadway Committee 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 the compliance with Town standards, bond and security issues, projected maintenance, and other items 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 and acceptance of the road as prescribed in New Hampshire R.S.A. 43 and 231, as amended, or to determine that the acceptance of the road shall be by a petition warrant article.
- 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 XV, 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. Camping permits: Property Owners**

Campers, travel trailers and motor homes may be stored unoccupied in any district in the Town of Rindge for any period of time.

The Board of Selectmen may issue a permit for any residential property owner to accommodate him/herself or nonpaying guests on their property to reside in campers, travel trailers or motor homes for a period not exceeding 60 days in any one year (Tents do not require permits). In granting the permit, the Board of Selectmen shall take into consideration legitimate concerns raised by abutters. The units shall demonstrate that proper sanitary facilities are available, as determined by the Health Officer and all applicable life safety codes are met. No unit may be used for permanent dwelling at any time.

- O.** Mobile homes or a Manufactured home 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
- R.** Churches and other places of religious assembly are allowed in all zoning districts and are subject to Site Plan Review by the Planning Board.
- S.** The rental of all or any portion of Single Family Dwelling, Two Family Dwelling, or Multi-Unit Dwelling, with the exception of Bed and Breakfast Facilities, by the property owner thereof, to any other person or group, shall be a valid, permitted, Accessory Use of said dwelling under this ordinance, provided that there is adequate on-premise, off-street parking for the vehicles of all renters/tenants and guests. Acceptable rentals shall include rentals for

wedding parties and receptions, bachelor parties, corporate or institutional meetings, seminars, workshops, religious retreats, and events or activities for which attendance is not expected to exceed 25 people.

## **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 or Manufactured homes as defined in Article XX, Number 24. Each Dwelling shall be on a separate lot with the exception of Accessory Dwelling Units.
2. Supportive Care Home
3. Churches and places of religious assembly are allowed, and are subject to Site Plan Review by the Planning Board.
4. 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 XV, and in accordance with the following Regulations regarding Bed & Breakfast establishments, and a Site Plan Approval (unless waived by the Planning Board.
  - a. 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.
  - b. 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.
  - c. There shall be no more than five (5) guest rooms in the establishment.
  - d. 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.
  - e. 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.

- f. 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.
- g. 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.
- h. 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 XX 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. Each structure that contains dwelling unit(s) shall be on a separate lot, with the exception of Accessory Dwelling Units. Up to one Home-Based Business is permitted per residence only upon the granting of a Conditional Use Permit by the Planning Board when said Board is satisfied that the proposed use meets the requirements imposed by Article XII and the following specific provisions:
  - a. There is at least one resident employee of the business and no more than five (5) non-resident employees.



- b. The home-based business will not adversely affect the property involved, or neighboring properties, by reason of any unusual light, noise, dust or odor.
  - c. The home-based business does not change the residential character or appearance of the home or any accessory buildings,
  - d. The home-based business does not occupy more than thirty-five (35%) of the gross building area of the home or any accessory buildings,
  - e. The home-based business has no more than sixteen (16) visitors or more than eight (8) deliveries to the home on an average daily basis,
  - f. The home-based business has exterior storage of materials related to the business that does not exceed ten percent (10%) of the gross building area of the home and any accessory buildings, provided that said exterior storage is located to the side or rear of the home and is screened from view beyond the property line.
  - g. There are no more than two passenger cars or other vehicles associated with the home-based business that are regularly parked on the property. Said vehicles shall not have more than six wheels.
  - h. All vehicle parking shall be accommodated off-street and on the residential driveway.
2. Supportive Care Home.
  3. 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 XV, B, and upon Site Plan approval by the Planning Board.
  4. 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, 4.
  5. All future mobile or manufactured homes shall be located in mobile or manufactured home parks and/or mobile or manufactured 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. Mobile or manufactured homes situated within a mobile/manufactured home park community need not comply with dimensional requirements so long as they are accessed via a private road.
  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 XV.B and subject to Site Plan approval from the Planning Board.

## **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 XX, 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. Each lot shall have an area of no less than two (2) acres.
  - b. Single family dwelling lots shall have an area of no less than two (2) acres.
  - c. Two family dwelling lots shall have an area of no less than three (3) acres.
  - d. Multi-family dwelling lots 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:**

1. Any use permitted in the Residential or in the Residential-Agricultural District except that Mobile or Manufactured home parks and Mobile or Manufactured home subdivisions shall not be permitted.
2. Any of the following uses subject to Site Plan Review and approval by the Planning Board.
  - a. Business, professional offices and banks;
  - b. Coffee shops, bakeries or other similar eating establishments;
  - c. Churches, schools, day-care centers, and government offices;
  - d. Barber shops and beauty salons;
  - e. Craft, gift and antique shops;
  - f. Other uses similar to those listed above.

#### **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 XX, 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. Each lot shall have an area of no less than two (2) acres.
  - b. Single family dwelling lots shall have an area of no less than two (2) acres.
  - c. Two family dwelling lots shall have an area of no less than three (3) acres.
  - d. Multi-family dwelling lots 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 or manufactured home parks and mobile or manufactured 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 XX, 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. Each lot shall have an area of no less than two (2) acres.
  - b. Single family dwelling lots shall have an area of no less than two (2) acres.
  - c. Two family dwelling lots shall have an area of no less than three (3) acres.
  - d. Multi-family dwelling lots shall have an area of no less than two (2) acres for each dwelling unit.

### **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, 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.

## **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 XX, 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 upholstering;
  - 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 XV, 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.

**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 XX, 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. Supportive Care Home
8. Medical and dental facilities.
9. Nursing homes and assisted living facilities.
10. Barber shops and hair salons.
11. Funeral homes.
12. Craft, gift and antique shops, retail specialty shops.
13. Commercial recreation facilities.
14. Convenience stores.
15. High technology and research and development (not including the storage and/or handling of volatile or hazardous materials).
16. Home Occupations in existing residences.
17. 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 hardscape 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.

**A. 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:

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. Supportive Care Home
8. Medical and dental facilities.
9. Nursing homes and assisted living facilities.
10. Barber shops and hair salons.
11. Funeral homes.
12. Craft, gift and antique shops, retail specialty shops.
13. Commercial recreation facilities.
14. Convenience stores.
15. High technology and research and development not including the storage and/or handling of volatile or hazardous materials).
16. Home Occupations in existing residences.

17. Building and Service Trades (not including the storage and/or handling of volatile or hazardous materials).
18. Motor Vehicle Repair Shop, subject to Site Plan Review and the granting of a Conditional Use Permit by the Planning Board pursuant to the Conditional Use Permit provisions of Article XII of the Zoning Ordinance.
19. Gasoline sales or service stations.

**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 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 East 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 East 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 hardscape 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 XII**

### ***Conditional Use Permits***

Pursuant to RSA 674:21, the Planning Board shall be authorized to issue Conditional Use Permits for certain uses specifically set forth in the Zoning Ordinance. Conditional Use Permit uses are determined to have special characteristics and shall be considered on a case-by-case basis. The Planning Board may attach such conditions to its approval of a Conditional Use Permit as may be reasonable, necessary and appropriate. For a Conditional Use Permit to be granted, the applicant shall have the burden of meeting all of the following standards and conditions:

- A.** Applicant's property must conform to the area and setback requirements of the Zoning Ordinance and the proposed use must be consistent with the Master Plan;
- B.** The proposed use meets the spirit, intent and purposes of the Zoning Ordinance;

- C. There will be no adverse impacts from the proposed use upon the public health, safety and general welfare of the neighborhood and the Town of Rindge;
- D. The proposed use will not produce excessive noise, fumes or vibration and will not diminish the value of surrounding property; and
- E. The proposed use will not adversely affect wetlands or the ground water resources of the Town of Rindge.”

## **ARTICLE XIII**

### ***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 XV.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 XV 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, and Article IX Business Light Industry District.

## **ARTICLE XIV**

### ***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 XV**

### ***Board of Adjustment/Special Exceptions/Variances***

- A. Pursuant to the provisions of New Hampshire Revised Statutes Annotated 673:3, the Board of Adjustment shall consist of five (5) regular members elected by the Town of Rindge. All members shall be elected for three (3) year terms. The membership of the Board shall be elected in such a manner so that not more than two (2) members shall be elected each year.
- 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 XVI**

### ***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 XVII**

### ***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 XVIII**

### ***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 XIX**

#### ***Effective Date***

This ordinance shall take effect upon its passage.

### **ARTICLE XX**

#### ***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 provides 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 thereof in which rooms are available for rent, including a daily breakfast meal, to transient guests on a temporary basis for compensation. It does not include hotels, motels, boarding houses, food service establishments, or similar businesses.
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 but not more than six (6) 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 or Manufactured Home:** A detached residential dwelling unit, designed for transportation after fabrication, on streets or highways, on it 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, not to exceed 6 units per structure), where multiple structures are permitted on a single lot. This development is concentrated in agreed upon growth zones, and is designed to reduce driving, create neighborhoods and foster community identity.
- 26. Motor Vehicle Repair Shop:** An establishment for the repair and servicing of motor vehicles (automobiles, vans and trucks not exceeding “one ton” capacity) which repair and servicing is conducted entirely indoors and does not involve the outside storage of vehicles and/or equipment, the sale or rental of vehicles or the sale of gasoline. Such repair and servicing shall not include accident repairs, body work, paint work, or frame work.”
- 27. 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.
- 28. 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.

- 29. 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.
- 30. 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.
- 31. Sign:** A structure, building wall, or other outdoor surface or device used for visual communications which is use for the purpose of bringing the subject thereof to the attention of the public or to display, identify, and publicize the name and product.
- 32. 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.
- 33. Supportive Care Home:** A residence that provides lodging, meals and support services to meet the needs of not more than eight (8) adults over the age of 55, which home is licensed by the State of New Hampshire pursuant to RSA 151-2-I(e)(1) as amended from time to time. A Supportive Care Home shall be subject to Site Plan Review by the Planning Board.
- 34. Travel Trailer:** A trailer designed for recreational use and to be moved about and towed behind a vehicle.

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