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\*\*\*\* **(Adopted by Town on March 12, 1996)**

**1. HIGHWAY-COMMERCIAL ZONE**

1.0. **PURPOSE:** To attract new commercial development and increase professional services which will be beneficial to town residents.

1.1. Beginning at a point **twelve hundred (1200) feet** easterly of the centerline on Route 125 (Calef Highway) and bordering the centerline of the Boston and Maine Railroad (Portsmouth Branch) Right-of-Way, thence traveling northerly parallel to and twelve hundred (1200) feet from the centerline on Route 125 (Calef Highway) to a point bordering Route 87 (Campground Road) thence turning and traveling westerly along the centerline of Route 87 (Campground Road) to a point bordering Route 125 (Calef Highway) and Old Nottingham Road, thence traveling westerly along the centerline on Old Nottingham Road to a point twelve hundred (1200) feet from the centerline on Route 125 (Calef Highway) thence turning and traveling southerly parallel to and twelve hundred (1200) feet from the centerline on Route 125 (Calef Highway) to a point bordering Old Hedding Road, thence turning and traveling easterly along the centerline on Old Hedding Road to a point **four hundred (400) feet** westerly of the centerline on Route 125 (Calef Highway), thence turning and traveling southerly parallel to and four hundred (400) feet from the centerline on Route 125 (Calef Highway) to a point bordering the Lamprey River, thence turning and traveling easterly along the centerline on the Lamprey River to a point bordering Route 125 (Calef Highway), thence turning and traveling southerly along the centerline on Route 125 (Calef Highway), to a point bordering the Boston and Maine Railroad (Portsmouth Branch) Right-of-Way, thence turning and traveling easterly along the centerline on the Boston and Maine Railroad (Portsmouth Branch) Right-of-Way to a point at the beginning.

1.2. **LOT DIMENSIONS AND SETBACK REQUIREMENTS:**

Minimum Lot Size.....	87,120 square feet
Minimum Front Setback .....	<b><u>100 feet from the centerline of all existing roads and 75 feet from the centerline for proposed (non-existing) internal roads of Class V or greater</u></b> (Adopted by the Town of Epping March 12, 1996)
Minimum Rear Setback.....	50 feet
Minimum Side Setback.....	25 feet
Minimum Frontage.....	200 feet
Maximum Building Height.....	35 feet
Maximum Lot Coverage.....	60%

1.3. **PERMITTED USES:**

1. Retail Stores.
2. Professional Establishments.
3. Essential Services.
4. Community Buildings - Meeting Halls.
5. Churches.
6. Motels and Hotels.
7. Restaurants.
8. Wholesale Establishments.
9. Convenience Stores.
10. Veterinary Clinics.
11. Private Schools.
12. Banks.
13. Auto ~~Repair and/or~~ Dealerships. **(Amended Town Meeting 2007)**
14. Commercial Planned Unit Developments which may include office buildings, complexes, malls, motels, hotels and restaurants.
15. Landscape, Nurseries and Garden Supplies Establishments.
16. Health Care Facilities.

- 17. Recreational Vehicle Sales Establishments.
- 18. Home Occupation (*for existing dwellings ONLY*)
- 19. Bed & Breakfast Establishments (*for existing residential dwellings ONLY*).
- 20. Expanded Home Occupation (*for existing residential dwellings ONLY*).
- 21. Industry (**Adopted by the Town of Epping March 12, 1996**)
- 22. Municipal Buildings (**Adopted by the Town of Epping March 12, 1996**)
- 23. Indoor Recreation (**Adopted by the Town of Epping March 12, 1996**)
- 24. Flexible Use Development by Conditional Use Permit (**Adopted 3/10/98**)

1.4. **PERMITTED ACCESSORY USES:**

- 1. Any accessory use customarily incidental to the principal use.
- 2. Day Care Facilities.

1.5. **SPECIAL EXCEPTIONS:**

- 1. Expansion of Non-Conforming structures.
- 2. Dual Use (**Adopted by the Town of Epping March 12, 1996**)

- 1.6 **CRITERIA FOR SPECIAL EXCEPTIONS** -- see Article 13
- 1.7 **NON-CONFORMING USES** -- see Article 6
- 1.8 **EXPANDED HOME OCCUPATION USE REGULATIONS** -- see Article 6

1.9. **SUPPLEMENTARY USE REGULATIONS:**

**Land Located in Two (2) Zones (Rev. 3/00)**— If a lot of record, in existence prior to the adoption of this Ordinance, is located in two (2) zones the owner, at a Board of Adjustment hearing, may declare which zone he/she wants to be in provided the following conditions are satisfied:

- a) The more restrictive zoning district’s dimensional requirements for setbacks, frontage and lot size shall apply to the entire parcel.
- b) In the event of a subdivision the requirements under subsection (a) above shall be met for each newly created lot.

Once this declaration has been made the property maintains that status permanently. No reversal of the decision will be allowed.

**Residential Lots in Commercial Zones** - Owners of residential structures on substandard lots in the Highway-Commercial Zone may appeal to the Board of Adjustment for a change of use prior to Planning Board Site Plan Review, provided that the Planning Board has no objection to the proposed change of use.

1.10 **FLEXIBLE USE DEVELOPMENT (Adopted 3/10/98)**

Pursuant to RSA 674:21, the planning board is hereby authorized to grant a Conditional Use Permit to allow for a flexible use development in accordance with the restrictions and requirements of this section. A flexible use development may not permit the establishment of a use specifically prohibited by this section.

- 1. Purpose - This section is to provide a flexible method to permit commercial uses that are consistent with the intent of the underlying zoning district that are not specifically enumerated in the permitted use section. All developments seeking a conditional use permit shall be administered by the Planning Board to insure that flexible use development opportunities do not adversely impact neighboring properties, the citizens of Epping, or other business opportunities.

\*0 Conditional Use Permits. All Flexible Use Developments shall obtain a conditional use permit from the Planning Board. The conditional use permit shall clearly set forth all conditions of approval and shall clearly list all plans, drawings and other submittals that are part of the approved use. Everything shown or otherwise indicated on a plan or submittal that is listed on the conditional use permit shall be considered to be a condition of approval.

\*1 Application Procedure. Applications for conditional use permits for a flexible use development shall be made in accordance with the procedures set forth in the Site Plan Review Regulations of the Planning Board. Applications shall comply with all requirements of the Site Plan Review Regulations and Subdivision Regulations, as applicable.

\*2 Approval of Applications. A conditional use permit shall be issued only if a flexible use development complies with all of the requirements of this section. The Planning Board may condition its approval of planned unit developments on reasonable conditions necessary to accomplish the objectives of this section or of the Epping Master Plan, Zoning Ordinance, or any other federal, state, town resolution, regulation, or law, including a reduction in allowed density, or reasonable increase in required frontage, setbacks, or any other requirement if necessary to accomplish said objectives.

\*3 General. The flexible use development provisions of this ordinance provide applicants with an alternative development approach intended to promote flexibility and innovation in land planning. Within this context, the regulations that are established are intended to be a minimum consideration of allowable impacts. Each tract of land possesses different, unique development characteristics and limitations, and the use allowed on any particular tract will be a function of innovative land planning and building design interacting with the special characteristics and limitations of the site.

\*4 Thus these provisions shall not be construed as establishing any legal right to a given use. Those who wish to pursue their “rights” to a certain use of land should consider developing their land with the traditional, permitted use approaches, or through the variance procedure as provided for by New Hampshire law.

\*5 Standards for approval - All standards below must be met or impacts mitigated to the satisfaction of the Planning Board prior to the granting of a Conditional Use Permit.

\*6 The permit is in the public interest.

\*7 There will be no greater diminution of neighboring property values than would be created under any other use permitted in the zone by § 1.3.

\*8 That there are no existing violation of the Epping zoning ordinance on the subject property.

\*9 That the character of the area shall not be adversely affected.

\*10 Architecture

\*11 Transportation

\*12 Scale of coverage

\*13 Scale of building size

\*14 Consistency of uses

\*15 That granting the permit will not result in undue municipal expense.

\*16 That the proposed use will be developed in a manner compatible with the spirit and intent of the ordinance.

\*17 That the capacity of existing or planned community facilities and services

(including streets and highways) will not be adversely impacted.

- \*18 That the general welfare of the Town will be protected.
- \*19 That the following impacts have been mitigated to the extent practical:
  - \*20 Noise
  - \*21 Light
  - \*22 Transportation
  - \*23 Visual effects
- \*24 Landscaped or other appropriate buffers of sufficient opacity and materials shall be required if deemed reasonably necessary for the welfare of neighboring properties or the Town.
- \*25 Any Conditional Use Permit shall expire if: (1) the use is not in place within one year of the date of issuance of such permit; or, (2) if the use is discontinued for any reason for more than two (2) years. In such cases, a new application for a Conditional Use Permit must be completed.

**2. RESIDENTIAL-COMMERCIAL ZONE**

2.0. **PURPOSE:** To preserve the rural land uses by permitting residential development and still allow for future commercial expansion along Route 125.

2.1. Beginning at appoint twelve hundred (1200) feet easterly of the centerline on Route 125 (Calef Highway) and bordering the centerline on Route 87 (Campground Road), thence traveling northerly parallel to and twelve hundred (1200) feet from the centerline on Route 125 (Calef Highway) to a point bordering the Epping/Lee/Newmarket town line, thence turning and traveling westerly along the Epping/Lee/Newmarket town line to a point twelve hundred (1200) feet westerly of the centerline on Route 125 (Calef Highway) thence turning and traveling southerly parallel to and twelve hundred (1200) feet from the centerline on Route 125 (Calef Highway) to a point bordering Old Nottingham Road, thence turning and traveling easterly along the centerline on Old Nottingham Road to a point bordering Route 125 (Calef Highway) and Route 87 (Campground Road), thence traveling easterly along the centerline on Route 87 (Campground Road) to a point at the beginning.

2.2. **LOT DIMENSIONS AND SETBACK REQUIREMENTS:**

Minimum Lot Size.....	87,120 square feet
Minimum Front Setback	<b><u>100 feet from the centerline of all existing roads and 75 feet from the centerline for proposed (non- V or greater</u></b>
	<b><u>existing) internal roads of Class</u></b>
	(Adopted 3/10/98)
Minimum Rear Setback.....	50 feet
Minimum Side Setback.....	25 feet
Minimum Frontage.....	200 feet
Maximum Building Height.....	35 feet
Maximum Lot Coverage.....	60%

Multi-Family Lot Dimensions and Setback Requirements are set forth in the Multi-Family Use Regulations.

2.3. **PERMITTED USES:**

1. Single Family Detached Dwellings (including pre-site and manufactured housing).
2. Essential Services.
3. Community Buildings - Meeting Halls.
4. Churches.
5. Duplex Housing.
6. Home Occupations.
7. Day Care Facilities.

2.4. **PERMITTED ACCESSORY USES:**

1. Any accessory use customarily incidental to the principal use.
2. Bed & Breakfast Establishments.
3. Expanded Home Occupations.
4. Accessory Dwelling Units.

2.5. **SPECIAL EXCEPTIONS:**

1. Expansion of Non-Conforming structures.
2. Motels and Hotels.
3. Wholesale Establishments.
4. Commercial Planned Unit Developments which may include office buildings, complexes, malls, motels, hotels and restaurants.
5. Retail stores.
6. Professional Establishments.
7. Restaurants.
8. Convenience stores.
9. Veterinary clinics.
10. Banks.
11. Multi-Family Housing.
12. Landscape, nurseries and garden supplies establishments.
13. Health Care Facilities.
14. Dual Use (**Adopted by the Town of Epping March 12, 1996**)

2.6	<b><u>CRITERIA FOR SPECIAL EXCEPTIONS</u></b>	--	see Article 13
2.7	<b><u>NON-CONFORMING USES</u></b>	--	see Article 6
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2.9	<b><u>MULTI-FAMILY HOUSING USE REGULATIONS</u></b>	--	see Article 6
2.10	<b><u>DUPLEX HOUSING USE REGULATIONS</u></b>	--	see Article 6

2.11. **SUPPLEMENTARY USE REGULATIONS:**

***Permissible Structure*** - Only one (1) principal structure shall be allowed on a single lot.

***Multiple Uses of a Single Structure*** - will be allowed in the Residential-Commercial zone.

***Land Located in Two (2) Zones (Rev. 3/00)***– If a lot of record, in existence prior to the adoption of this Ordinance, is located in two (2) zones the owner, at a Board of Adjustment hearing, may declare which zone he/she wants to be in provided the following conditions are satisfied:

- c) The more restrictive zoning district’s dimensional requirements for setbacks, frontage and lot size shall apply to the entire parcel.
- d) In the event of a subdivision the requirements under subsection (a) above shall be met for each newly created lot.

Once this declaration has been made the property maintains that status permanently. No reversal of the decision will be allowed.

2.12	<b><u>EXPANDED HOME OCCUPATION USE REGULATIONS:</u></b>	--	see Article 6
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**3. WEST EPPING COMMERCIAL BUSINESS ZONE**

3.0. **PURPOSE:** To better serve the residents of West Epping by providing retail sales and services.

3.1. Beginning at a point on the centerline of Route 101 Right-of-Way and two hundred (200) feet easterly of the centerline on Beede Hill Road, thence traveling northerly parallel to and two hundred (200) feet from the centerline on Beede Hill Road to a point bordering Depot Road, thence traveling northerly parallel to and two hundred (200) feet from the centerline on Depot Road to a point bordering Route 27, thence traveling northerly to a point two hundred (200) feet from the centerline on Route 27, thence turning and traveling westerly parallel to and two hundred (200) feet from the centerline on Route 27 to a point bordering Folsom Lane, thence turning and traveling southerly along the centerline of Folsom Lane to a point bordering Route 27, thence turning and traveling easterly along the centerline of Route 27 to a point bordering Mill Road, thence turning and traveling southeasterly along the centerline on Mill Road to a point bordering Holt Road, thence turning and traveling along the centerline on Holt Road to a point bordering the Route 101 Right-of-Way, thence turning and traveling easterly along the centerline of the Route 101 Right-of-Way to a point at the beginning.

3.2. **LOT DIMENSIONS AND SETBACK REQUIREMENTS:**

Minimum Lot Size.....	40,000 square feet.
Minimum Front Setback.....	50 feet
Minimum Rear Setback.....	25 feet.
Minimum Side Setback.....	25 feet
Minimum Frontage ( <b>Rev. 3/00</b> ).....	200 feet
Maximum Lot Coverage.....	50%
Maximum Building Height.....	35 feet

Multi-Family Lot Dimensions and Setback Requirements are set forth in the Multi-Family Use Regulations.

3.3. **PERMITTED USES:**

1. Retail and Personal Services (Adopted by the Town of Epping March 12, 1996)
2. Professional Establishments.
3. Essential Services.
4. Multi-Family Residential
5. Single-Family Residential
6. Duplexes
7. Veterinary Clinics
8. ~~Wholesale Establishments (Adopted by the Town of Epping March 12, 1996)~~  
(Removed by Town Meeting - March, 2006).
9. ~~Motel/Hotel (Adopted by the Town of Epping March 12, 1996)~~  
(Removed by Town Meeting - March, 2006).
10. Health Care Facilities
11. ~~Shopping Malls and Plazas (Adopted by the Town of Epping March 12, 1996)~~  
(Removed by Town Meeting - March 2006).
12. Restaurants
13. Convenience Stores
14. Meeting Halls and Community Buildings
15. Banks (Adopted by the Town of Epping March 12, 1996)
16. Recreational Establishments/~~Campgrounds~~ (Adopted by Town of Epping 3/12/96)  
(Campgrounds Removed by Town Meeting - March 2006).
17. Home Occupations
18. Day Care

19. Churches

20. Private Schools (Adopted by the Town of Epping March 12, 1996)

~~21. Gasoline and Service Stations in the following area:-~~

~~Gasoline and Service Stations may only be located in an area bounded as follows: on the North the B&M Railroad (Fremont branch) right-of-way, on the East 1500' in from the center of Beede Road or to the depth of the parcel or whichever is greater, on the South Fremont town line, on the West Beede Road. This area is partly within the Industrial Commercial Zone and is referenced at Art III, Schedule II, #11. (3/18/97)~~

~~(Removed by Town Meeting – March 2006).~~

3.4. **PERMITTED ACCESSORY USES:**

- 1. Expanded Home Occupations.
- 2. Accessory Uses customarily incidental to the principal use.
- 3. Bed and Breakfast Establishments.
- 4. Accessory Dwelling Units (“In-Law” type apartments).

3.5. **AQUIFER PROTECTION:**

- 1. Lot dimensions, setback requirements and permitted uses are subject to the Aquifer Protection Ordinance.
- 2. An zone over an aquifer shall comply to the Aquifer Protection Ordinance.
- 3. Any conflict between the Zoning Ordinance and the Aquifer Protection Ordinance, the more stringent shall apply.

3.6. **SPECIAL EXCEPTIONS:** (Adopted by the Town of Epping March 12, 1996)

- 1. TV/Radio.
- 2. Expansion of Non-Conforming structures.
- 3. Dual Use.

3.7 **CRITERIA FOR SPECIAL EXCEPTIONS** -- see Article 13

3.8 **NON-CONFORMING USES** -- see Article 6

3.9 **MANUFACTURED HOUSING USE REGULATIONS** -- see Article 6

3.10 **MULTI-FAMILY HOUSING USE REGULATIONS** -- see Article 6

3.11. **SUPPLEMENTARY USE REGULATIONS:**

**Permissible Structure** - Only one (1) principal structure shall be allowed on a single lot.

-Multiple uses of a single structure will be allowed in the West Epping Business Zone.

**Land Located in Two (2) Zones (Rev. 3/00)**– If a lot of record, in existence prior to the adoption of this Ordinance, is located in two (2) zones the owner, at a Board of Adjustment hearing, may declare which zone he/she wants to be in provided the following conditions are satisfied:

- e) The more restrictive zoning district’s dimensional requirements for setbacks, frontage and lot size shall apply to the entire parcel.
- f) In the event of a subdivision the requirements under subsection (a) above shall be met for each newly created lot.

Once this declaration has been made the property maintains that status permanently. No reversal of the decision will be allowed.

- 3.12 **EXPANDED HOME OCCUPATION USE REGULATIONS** -- see Article 6
- 3.13 **DUPLEX HOUSING USE REGULATIONS** -- see Article 6

4. **CENTRAL BUSINESS ZONE**

4.0. **PURPOSE:** To provide for the continuation of establishments offering retail sales and service.

4.1. Beginning at a point three hundred and fifty (350) feet west of the centerline on Main Street and bordering the centerline on the Boston and Maine Railroad (Portsmouth Branch) Right-of-Way, thence traveling northerly parallel to and three hundred and fifty (350) from the centerline on Main Street to a point bordering Church Street, thence turning and traveling easterly along the centerline of Church Street to a point two hundred (200) feet west of the centerline on Main Street, thence turning and traveling northerly parallel to and two hundred (200) feet from the centerline on Main Street to a point bordering two hundred (200) feet westerly of Main Street at Bartlett Street, thence traveling easterly along the centerline on Bartlett Street to a point two hundred (200) feet east of the centerline on Main Street, thence turning and traveling southerly parallel to and two hundred (200) feet from the centerline on Main Street to its intersection with the Lamprey River and traveling in a southeasterly direction along the Lamprey River to its intersection with Route 125 (Calef Highway), thence turning southwesterly and traveling along the centerline of Route 125 (Calef Highway) to a point intersecting Main Street and thence turning and traveling across Main Street along the southerly boundary of Lot 294 on Map 292 to the southerly boundary point of lot 296 across the Boston and Maine Railroad (Portsmouth Branch) Right-of-Way, thence turning and traveling northerly along the boundary of the same Lot 296 of Map 292 to the centerline of Boston and Maine Railroad (Portsmouth Branch) Right-of-Way and turning easterly along the centerline to a point at the beginning.  
(Amended Town Meeting – March 2006).

4.2. **LOT DIMENSIONS AND SETBACK REQUIREMENTS:**

Minimum Lot Size per dwelling unit.....	20,000 square feet (amended 3/9/99)
Minimum Front Setback .....	15 feet
However, any property that has frontage on, or abuts, Route 125 (Calef Highway) shall have a minimum setback of 100 feet from the centerline of Rute 125 (Calef Highway) . <b>(adopted 3/18/97)</b>	
Minimum Rear Setback .....	10 feet
Minimum Side Setback .....	10 feet
Minimum Frontage .....	100 feet
Maximum Lot Coverage .....	75%
Maximum Building Height .....	35 feet

Multi-Family Lot Dimensions and Setback Requirements are set forth in the Multi-Family Regulations.

4.3. **PERMITTED USES:**

1. Retail Stores.
2. Professional Establishments.
3. Essential Services.
4. Community Buildings and Meeting Halls.
5. Churches.
6. Motels and Hotels.
7. Restaurants (drive-through windows shall not be permitted in the Central Business Zone for restaurants that do not have direct access to NH Route 125). (Amended Town Meeting - 3/10/2009)
8. Multi-Family Dwellings.
9. Single Family Detached Dwellings (including pre-site and manufactured housing).
10. Convenience Stores.

11. Veterinary Clinics.
12. Private Schools.
13. Banks.
14. Home Occupations.
15. Health Care Facilities.
16. Duplex Housing.
17. Recreational Vehicle Sales Establishment. (Adopted Town Meeting - 3/10/2009)

4.4. **PERMITTED ACCESSORY USES:**

1. Expanded Home Occupations.
2. Accessory Uses Customarily Incidental to the Principal Use.
3. Bed & Breakfast Establishments.
4. Accessory Dwelling Units (“In-Law” apartments).

4.5. **SPECIAL EXCEPTIONS:**

1. Expansion of non-conforming structures.
2. Dual Use (Adopted by the Town of Epping March 12, 1996)

4.6. **CRITERIA FOR SPECIAL EXCEPTIONS** — see Article 13

4.7. **NON-CONFORMING USES** — see Article 6

4.8. **MANUFACTURED HOUSING USE REGULATIONS** — see Article 6

4.9. **MULTI-FAMILY HOUSING USE REGULATIONS** — see Article 6

4.10. **SUPPLEMENTARY USE REGULATIONS:**

**Permissible Structure** - Only one (1) principal structure shall be allowed on a single lot.

**Multiple uses** of a single structure will be allowed in the Central Business Zone.

**Land Located in Two (2) Zones (Rev. 3/00)**— If a lot of record, in existence prior to the adoption of this Ordinance, is located in two (2) zones the owner, at a Board of Adjustment hearing, may declare which zone he/she wants to be in provided the following conditions are satisfied:

- g) The more restrictive zoning district’s dimensional requirements for setbacks, frontage and lot size shall apply to the entire parcel.
- h) In the event of a subdivision the requirements under subsection (a) above shall be met for each newly created lot.

Once this declaration has been made the property maintains that status permanently. No reversal of the decision will be allowed.

4.11. **EXPANDED HOME OCCUPATION USE REGULATIONS** -- see Article 6

4.12. **DUPLEX HOUSING REGULATIONS** -- see Article 6

5. **HIGH DENSITY RESIDENTIAL ZONE**

5.0. **PURPOSE:** To maintain the largely developed residential uses at a concentration requiring town water and sewer.

5.1. **TRACT I:**

Beginning at a point bordering Main Street and North River Road, thence traveling easterly to a point two hundred (200) feet from the centerline on Main Street, thence turning and traveling southeasterly parallel to and two hundred (200) feet from the centerline on Main Street to a point bordering Elm Street, thence traveling southeasterly parallel to and two hundred (200) feet from the centerline on Elm Street to a point four hundred (400) feet westerly of the centerline of Route 125 (Calef Highway), thence turning and traveling southerly parallel to and four hundred (400) feet from the centerline of Route 125 (Calef Highway) to a point bordering the Lamprey River, thence turning and traveling westerly along the centerline on the Lamprey River to a point bordering two hundred (200) feet easterly from the centerline on Main Street, thence turning and traveling northerly parallel to and two hundred (200) feet easterly of the centerline on Main Street to a point bordering Bartlett Street, thence turning and traveling westerly along the centerline on Bartlett Street to a point bordering Main Street, thence traveling to a point two hundred (200) feet westerly of the centerline on Main Street, thence turning and traveling northerly parallel to and two hundred (200) feet south- westerly of Prescott Lane, thence turning and traveling northwesterly parallel to and two hundred (200) feet from the centerline on Prescott Lane to a point bordering two hundred (200) feet southerly of Prescott Road, thence turning and traveling westerly parallel to and two hundred (200) feet from the centerline on Prescott Road to a point ***twelve-hundred-and-fifty (1,250) feet*** from the centerline on Main Street, thence turning and traveling northerly four hundred (40) feet to a point two hundred (200) feet northerly of the centerline on Prescott Road, thence turning and traveling easterly parallel to and two hundred (200) feet from the centerline on Prescott Road to a point bordering two hundred (200) feet northerly of the centerline on Academy Street, thence traveling easterly parallel to and two hundred (200) feet from the centerline on Academy Street to a point bordering two hundred (200) feet westerly of the centerline on Main Street, thence turning and traveling northerly parallel to and two hundred (200) feet from the centerline on Main Street to a point bordering two hundred (200) feet westerly of Main Street at North River Road, thence turning and traveling easterly two hundred (200) feet to a point at the beginning.

(Amended Town Meeting – March 2006).

**TRACT II** - Beginning at a point bordering Railroad Avenue and St. Laurent Street, thence traveling westerly to a point two hundred (200) feet from the centerline on St. Laurent Street, thence turning and traveling northeasterly parallel to and two hundred (200) feet from the centerline on St. Laurent Street to a point bordering two hundred (200) feet westerly of the centerline on Main Street, thence turning and traveling southerly parallel to and two hundred (200) feet from the centerline on Main Street to a point bordering Church Street, thence turning and traveling westerly along the centerline on Church Street to a point bordering three-hundred-and-fifty (350) feet westerly of the centerline on Main Street, thence turning and traveling southerly parallel to and three-hundred-and-fifty (350) feet from the centerline on Main Street to a point bordering the Boston & Maine Railroad (Portsmouth Branch) Right-of-Way, thence turning and traveling westerly along the centerline on the Boston & Maine Railroad (Portsmouth Branch) Right-of-Way to a point bordering Railroad Avenue, thence turning and traveling southwestly along the centerline of Railroad Avenue to a point at the beginning.

(Amended Town Meeting – March 2006).

**TRACT III** - Beginning at a point two hundred (200) feet westerly of the centerline on Main Street and two hundred (200) feet northerly of the centerline on Pleasant Street, thence traveling westerly parallel to and two hundred (200) feet from the centerline on Pleasant Street for two-thousand-two-hundred-and-fifty (2,250) feet, thence turning and traveling southerly along a line perpendicular to the centerline on Pleasant Street for four hundred (400) feet, thence turning and

traveling easterly parallel to and two hundred (200) feet from the centerline on Pleasant Street to a point two hundred (200) feet westerly from the centerline on Main Street, thence turning and traveling northerly parallel to and two hundred (200) feet from the centerline on Main Street to a point at the beginning.

5.2. **LOT DIMENSIONS AND SETBACK REQUIREMENTS:**

Minimum Lot Size.....	20,000 square feet (amended 3/9/99)
Minimum Front Setback .....	25 feet
	However, any property that has frontage on, or abuts, Route 125 (Calef Highway) shall have a minimum setback of 100 feet from the centerline of Route 125 (Calef Highway) . <b>(adopted 3/18/97)</b>
Minimum Rear Setback .....	25 feet
Minimum Side Setback .....	15 feet
Minimum Frontage .....	100 feet
Maximum Building Height .....	35 feet
Maximum Lot Coverage .....	40%

Multi-Family Lot Dimensions and Setback Requirements are set forth in the Multi-Family Use Regulations.

5.3. **PERMITTED USES:**

1. Single Family Detached Dwellings (including pre-site and manufactured housing).
2. Churches.
3. Multi-Family Housing.
4. Duplex Housing.
5. Municipal Buildings.
6. Essential Services.
7. Day Care Facilities.
8. Outdoor Recreation.
9. Home Occupation.
10. Health Care Facilities.
11. Convenience Stores.

5.4. **PERMITTED ACCESSORY USES:**

1. Accessory Uses Customarily Incidental to the Principal Use.
2. Bed & Breakfast.
3. Accessory Dwelling Units (“In-Law” type apartments).
4. Expanded Home Occupations ***(on Route 27 ONLY)***.

5.5. **SPECIAL EXCEPTIONS:**

1. Private Schools.
2. Group or Shared Homes (licensed by the State of New Hampshire).
3. Expansion of Non-Conforming structures.
4. Dual Use **(Adopted by the Town of Epping March 12, 1996)**

5.6 **CRITERIA FOR SPECIAL EXCEPTIONS** — see Article 13

5.7 **NON-CONFORMING USES** — see Article 6

- 5.8 **MANUFACTURED HOUSING USE REGULATIONS** — see Article 6
- 5.9 **MULTI-FAMILY HOUSING USE REGULATIONS** — see Article 6

5.10. **SUPPLEMENTARY USE REGULATIONS:**

**Land Located in Two (2) Zones** - (Repealed-3/10/98).

**Permissible Structures** - Only one (1) principal structure shall be allowed on a single lot.

- 5.11 **DUPLEX HOUSING USE REGULATIONS** -- see Article 6
- 5.12 **EXPANDED HOME OCCUPATION USE REGULATIONS** -- see Article 6

## 6. RESIDENTIAL ZONE

- 6.0. **PURPOSE:** To maintain the integrity of existing and future medium density developed parts of the town.
- 6.1. **TRACT I** - Beginning at a point bordering Epping/Raymond townline and Ham Road, thence traveling southerly along the centerline on Ham Road to a point bordering Pleasant Street, thence turning and easterly along the centerline on Pleasant Street, including Lot 208 on Map 27, to the centerline of the Lamprey River, thence turning and traveling northerly along the centerline of the Lamprey River to the centerline of the road known as Folsom Lane north of the Lamprey River and traveling north along the centerline to the centerline of Blake Road thence turning northerly along the centerline of Blake Road to the intersection of Prescott Road and thence turning easterly along the centerline of Prescott Road to a point bordering twelve hundred and fifty (1,250) feet westerly of the centerline on Main Street, thence turning and traveling southerly to a point two hundred (200) feet from the centerline on Prescott Road, thence turning and traveling easterly parallel to and two hundred (200) feet from the centerline on Prescott Road to a point bordering two hundred (200) feet southerly of the centerline on Prescott Lane, thence turning and traveling southeasterly parallel to and two hundred (200) feet from the centerline on Prescott Lane to a point two hundred (200) feet westerly of the centerline on Main Street, thence turning and traveling southerly parallel to and two hundred (200) feet from the centerline on Main Street to a point two hundred (200) feet westerly of the centerline on Main Street and two hundred (200) feet northerly of the centerline on Pleasant Street, thence turning and traveling westerly parallel to and two hundred (200) feet from the centerline on Pleasant Street for *two thousand-two hundred-and-fifty (2,250) feet* thence turning and traveling southerly along a line perpendicular to the centerline on Pleasant Street for *four hundred (400) feet* thence turning and traveling easterly parallel to and two hundred (200) feet from the centerline on Pleasant Street to a point two hundred (200) feet westerly from the centerline on Main Street, thence turning and traveling southerly parallel to and two hundred (200) feet from the centerline on Main Street to a point two hundred (200) feet from the centerline on St. Laurent Street, thence turning and traveling southwesterly parallel to and two hundred (200) feet from the centerline on St. Laurent Street to a point bordering two hundred (200) feet westerly of the centerline of Railroad Avenue, thence turning and traveling easterly to a point bordering Railroad Avenue and St. Laurent Street, thence turning and traveling northeasterly along the centerline of Railroad Avenue to a point along the north-easterly border of Lot 299 on Map 27 thence turning and traveling east and south along the said lot so as to include this lot to the centerline on the Boston & Maine Railroad (Portsmouth Branch) Right-of-Way to a point bordering Boston & Maine Railroad (Fremont Branch) Right-of-Way, thence turning and traveling southwesterly along the centerline on the Boston & Maine Railroad (Fremont Branch) Right-of-Way to a point bordering Route 101 (East-West Highway), thence turning and traveling westerly along the centerline on Route 101 (East-West Highway) to a point bordering Beede Hill Road, thence turning and traveling southerly along the centerline on Beede Hill Road to a point bordering Epping/Fremont/Raymond town lines, thence turning and traveling westerly along the Epping/Fremont/Raymond town lines to a point bordering Epping/Raymond/Nottingham town lines, thence turning and traveling northerly along the Epping/Raymond/Nottingham town lines to a point at the beginning.

(Amended Town Meeting – March 2006).

**TRACT II:** Beginning at a point twelve hundred (1,200) feet easterly of the centerline on Route 125 (Calef Highway) and fifteen hundred (1,500) feet northeasterly of the centerline of Route 27, thence traveling northerly parallel to and twelve hundred (1,200) feet from the centerline on Route 125 (Calef Highway) to a point bordering Route 87 (Campground Road), thence turning and traveling easterly along the centerline on Route 87 (Campground Road) to a point bordering the Epping/Newmarket/Newfields town lines, thence turning and traveling southerly along the Epping/Newmarket/Newfields town lines to a point bordering the Boston & Maine Railroad (Portsmouth Branch) Right-of-Way, thence turning and traveling westerly along the centerline on the Boston & Maine Railroad (Portsmouth Branch) Right-of-Way, to a point fifteen hundred (1,500) feet easterly of the centerline of Route 27, near Mast Road, and traveling parallel to Route

27 a distance of fifteen hundred (1,500) feet from the centerline thereof back to a point at the beginning. **(Amended Epping Town Meeting 2007).**

6.2. **LOT DIMENSIONS AND SETBACK REQUIREMENTS:**

Minimum Lot Size .....	60,000 square feet. (Adopted 3/10/98)
Minimum Front Setback .....	25 feet.
Minimum Rear Setback .....	20 feet
Minimum Side Setback .....	25 feet.
Minimum Frontage .....	200 feet.
Maximum Building Height .....	35 feet.
Maximum Lot Coverage .....	30%

Multi-Family Lot Dimensions and Setback Requirements are set forth in the Multi-Family Use Regulations.

6.3. **PERMITTED USES:**

- ~~1. Excavation of Sand, Gravel and Stone. (removed 3/02)~~
2. Single Family Detached Dwellings (including pre-site built housing and manufactured housing).
3. Churches.
4. Duplex Housing.
5. Municipal Buildings.
6. Essential Services.
7. Day Care Facilities.
8. Outdoor Recreation.
9. Kennels.
10. Health Care Facilities.
11. Farms, farm uses and customary farm occupations.
12. Golf Courses, Tennis Clubs and Public Swimming Pools.

6.4. **PERMITTED ACCESSORY USES:**

1. Bed & Breakfast.
2. Accessory dwelling units (“In-Law” apartments).
3. Home Occupation.
4. Expanded home occupation ***(ROUTE 27 ONLY)***.
5. Farm buildings for storage, products or equipment.
6. Roadside stands in connection with display and sale of farm products.

6.5. **SPECIAL EXCEPTIONS:**

1. Private Schools.
2. Multi-Family Housing.
3. Expansion of non-conforming structures.
3. Dual Use (Adopted 3/12/96).

6.6	<b><u>CRITERIA FOR SPECIAL EXCEPTIONS</u></b>	—	see Article 13
6.7	<b><u>NON-CONFORMING USES</u></b>	—	see Article 6
6.8	<b><u>MANUFACTURED HOUSING USE REGULATIONS</u></b>	—	see Article 6
6.9	<b><u>MULTI-FAMILY HOUSING USE REGULATIONS</u></b>	—	see Article 6
6.10	<b><u>DUPLEX HOUSING USE REGULATIONS</u></b>	--	see Article 6

6.11. **SUPPLEMENTARY USE REGULATIONS:** (adopted 3/9/99)

**Conditional Use Permit for Excavation of Sand, Gravel, and Stone**-- Pursuant to 674:21, the Planning Board is hereby authorized to grant a Conditional Use Permit to allow for excavation in accordance with the restrictions and requirements of this section. The purpose of this section is to

permit excavation in the Residential Zone in circumstances where impacts to existing and proposed residential development and uses are minimized. No excavation shall occur without the required permit.

**Approvals**—The Planning Board may only approve an application for a Conditional Use Permit after consideration of the criteria of this section. The Planning Board may require additional measures from any applicant notwithstanding any other town ordinance or regulation to address adverse impacts. These measures may be in excess of regulations and ordinances and may be conditions of approval.

**Criteria for approval**—Each of the following criteria must be addressed or mitigated to the satisfaction of the Planning Board prior to the granting of a Conditional Use Permit.

- Granting the permit will not adversely affect abutting property owners or uses.
  - Adequate buffers of sufficient opacity shall protect from visual impacts.
  - Hours of operation shall be set that take into account the residential character of the surrounding neighborhood.
  - The time-frame for completion of the operation shall be minimized to protect from long term negative impacts.
  - Traffic routes for trucking shall not interfere with regular residential traffic and character.
  - Setbacks from neighboring property lines or structures shall be sufficient to minimize adverse impacts.
  - There shall be no discharge of airborne particles onto neighboring parcels.
  - There shall be no negative impact to water resources for the neighboring parcels.
- 
- There will be no diminution of neighboring property values than would be created under any other use permitted in the zone.
  - The Planning Board may reasonably consider any other impact created as part of granting the permit that may be related to the unique character of the land and the surrounding community.

Any Conditional Use Permit shall expire if: (1) the use is not in place within one year of the date of issuance of such permit: or, (2) if the use is discontinued for any reason for more than two (2) years. In such cases, a new permit must be acquired.

**Land Located in Two (2) Zones (Rev. 3/00)**— If a lot of record, in existence prior to the adoption of this Ordinance, is located in two (2) zones the owner, at a Board of Adjustment hearing, may declare which zone he/she wants to be in provided the following conditions are satisfied:

- a) The more restrictive zoning district's dimensional requirements for setbacks, frontage and lot size shall apply to the entire parcel.
- b) In the event of a subdivision the requirements under subsection (a) above shall be met for each newly created lot.

Once this declaration has been made the property maintains that status permanently. No reversal of the decision will be allowed.

**Permissible Structure** - Only one (1) principal structure shall be allowed on a single lot.

6.12 **EXPANDED HOME OCCUPATION USE REGULATIONS:** -- **see Article 6**

**7. RURAL RESIDENTIAL ZONE.**

7.0. **PURPOSE:** To preserve the customary rural land uses by permitting only lower density residential developments and customary farm uses.

7.1. **TRACT I:** Beginning at a point bordering the Epping/Raymond/Nottingham town lines and Blake Road, thence traveling southerly along the town line to the centerline of Ham Road and traveling southeasterly to a point along the centerline of Pleasant Street excluding Lot 208 on Map 27 and continuing along the centerline to the centerline of the Lamprey River and thence turning and traveling northerly to the centerline of the northern portion of the road known as Folsom Lane and traveling north to the centerline of Blake Road and traveling north along the centerline of Blake Road to a point bordering Prescott Road, thence turning and traveling easterly along the centerline on Prescott Road to a point bordering twelve-hundred-and-fifty (1250) feet westerly of the centerline on Main Street, thence turning and traveling northerly to a point two hundred (200) feet from the centerline on Prescott Road, thence turning and traveling easterly parallel to and two hundred (200) feet northerly of the centerline on Academy Street, thence traveling easterly parallel to and two hundred (200) feet from the centerline on Academy Street to a point bordering two hundred (200) feet westerly of the centerline on Main Street, thence turning and traveling northerly parallel to and two hundred (200) feet from the centerline on Main Street to a point bordering two hundred (200) feet westerly of the centerline on North River Road at Main Street, thence turning and traveling northeasterly four hundred (400) feet to a point two hundred (200) feet northeasterly of the centerline on North River Road at Main Street, thence turning and traveling southeasterly parallel to and two hundred (200) feet from the centerline on Main Street to a point bordering Elm Street, thence traveling southeasterly parallel to and two hundred (200) feet northerly from the centerline on Elm Street to a point four hundred (400) feet northwesterly of the centerline on Route 125 (Calef Highway), thence turning and traveling northerly parallel to and four hundred (400) feet from the centerline on Route 125 (Calef Highway) to a point bordering Old Hedding Road, thence turning and traveling westerly along the centerline on Old Hedding Road to a point twelve-hundred (1,200) feet westerly to the centerline on Route 125 (Calef Highway), thence turning and traveling northerly parallel to and twelve-hundred (1,200) feet from the centerline on Route 125 (Calef Highway) to a point bordering the Epping/Lee/Nottingham town lines, thence turning and traveling westerly along the Epping/Lee/Nottingham town lines to a point bordering the Epping/Raymond/Nottingham town lines, thence turning and traveling along the Epping/Raymond/Nottingham town lines to a point at the beginning.  
(Amended Town Meeting – March 2006).

**TRACT II:** Beginning at a point bordering Route 87 (Campground Road) and twelve hundred (1200) feet easterly of the centerline on Route 125 (Calef Highway), thence traveling northerly parallel to and twelve hundred (1200) feet from the centerline on Route 125 (Calef Highway) to a point bordering the Epping/Lee/Newmarket town lines, thence turning and traveling easterly along the Epping/Lee/Newmarket town lines to a point bordering the Epping/Newmarket/Newfields town lines, thence turning and traveling southerly along the Epping/Newmarket/Newfields town lines to a point bordering Route 87 (Campground Road), thence turning and traveling westerly along the centerline on Route 87 (Campground Road) to a point at the beginning.

7.2. **LOT DIMENSIONS AND SETBACK REQUIREMENTS:**

Minimum Lot Size .....		88,000 sq ft (Adopted 3/10/98)
Minimum Front Setback .....	30 feet	
Minimum Rear Setback .....		25 feet
Minimum Side Setback .....		25 feet
Minimum Frontage .....		200 feet
Maximum Height .....		35 feet
Maximum Lot Coverage .....		30%

\*\*\*Multi-Family Lot Dimensions and Setback Requirements are set forth in the Multi-Family Use Regulations.

7.3. **PERMITTED USES:**

1. Single Family Detached Dwelling, including pre-site built housing and manufactured housing.
2. Farms, Farm Uses and Customary Farm Occupations.
3. Churches.
4. Essential Services.
5. Kennels.
6. ~~Excavation of sand, gravel or stone.~~ (removed 3/02)
7. Sawmills.

7.4. **PERMITTED ACCESSORY USES:**

1. Accessory Dwelling Units (“In-Law” type apartments).
2. Farm Buildings for storage, products or equipment.
3. Roadside stands in connection with display and sale of farm products.
4. Other Accessory Building or use customarily incidental to the principal use.
5. Home Occupation.

\*\*\*\*  
6. Bed and Breakfast.

7.5. **SPECIAL EXCEPTIONS:**

1. Outdoor recreation.
2. Golf courses, tennis clubs and public swimming pools.
3. Expansion of Non-Conforming structures.
4. Dual Use (*Adopted by the Town of Epping March 12, 1996*)

7.6 **CRITERIA FOR SPECIAL EXCEPTIONS** — see Article 13

7.7 **NON-CONFORMING USES** — see Article 6

7.8 **MANUFACTURED HOUSING USE REGULATIONS** — see Article 6

7.9. **SUPPLEMENTARY USE REGULATIONS:**

**Permissible Structure** - Only one (1) principal structure shall be allowed on a single lot.

**Land Located in Two (2) Zones (Rev. 3/00)**— If a lot of record, in existence prior to the adoption of this Ordinance, is located in two (2) zones the owner, at a Board of Adjustment hearing, may declare which zone he/she wants to be in provided the following conditions are satisfied:

- c) The more restrictive zoning district’s dimensional requirements for setbacks, frontage and lot size shall apply to the entire parcel.
- d) In the event of a subdivision the requirements under subsection (a) above shall be met for each newly created lot.
- c) Once this declaration has been made the property maintains that status permanently. No reversal of the decision will be allowed.