

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	<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> (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**)

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| 1.6 | <u>CRITERIA FOR SPECIAL EXCEPTIONS</u> | -- | see Article 13 |
| 1.7 | <u>NON-CONFORMING USES</u> | -- | see Article 6 |
| 1.8 | <u>EXPANDED HOME OCCUPATION USE REGULATIONS</u> | -- | 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.
- 2. 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.

3. 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.

4. 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.

5. 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.

6. 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.

7. 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.

- a) The permit is in the public interest.
- b) 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.
- c) That there are no existing violation of the Epping zoning ordinance on the subject property.
- d) That the character of the area shall not be adversely affected.
 1. Architecture
 2. Transportation
 3. Scale of coverage
 4. Scale of building size
 5. Consistency of uses
- e) That granting the permit will not result in undue municipal expense.
- f) That the proposed use will be developed in a manner compatible with the spirit and intent of the ordinance.
- g) That the capacity of existing or planned community facilities and services (including streets and highways) will not be adversely impacted.

- h) That the general welfare of the Town will be protected.

 - i) That the following impacts have been mitigated to the extent practical:
 - 1. Noise
 - 2. Light
 - 3. Transportation
 - 4. Visual Effects

 - j) 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.
8. 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.