

**ARTICLE 6**  
**(Revised to 2008 Town Meeting)**  
**SUPPLEMENTARY REGULATIONS FOR CERTAIN USES**

6.1. **AMUSEMENT USES:**

6.1.1. **Amusement Centers, and Similar Places of Amusement:**

6.1.1.1. Such uses when not conducted entirely within an enclosed structure may be required to be enclosed by appropriate fencing or landscaping.

6.1.1.2. Off-street parking areas shall be screened from adjoining residential properties.

6.1.1.3. A principal structure shall be not less than fifty (50) feet from any property line. A landscape buffer may be required.

6.1.1.4. No bowling alley or commercial skating rink or similar use shall be maintained or operated within three hundred (300) feet of an entrance or exit of a public or private school, public library, church, hospital, housing for children, or for the elderly or other similar public or semi-public institutions.

6.1.1.5. **Illuminated Signs** - See Article 19 - Sign Ordinance adopted March 8, 1994.

6.1.1.6. No public address systems shall be permitted except where such system is inaudible at any property line.

6.2. **COMMUNITY FACILITIES:**

6.2.1. **Essential Services, Enclosed or Permanent Structures** - Such uses when in a residential zone shall be subject to the following regulations:

6.2.1.1. Such facility shall not be located on or under a residential street (unless no other site is available) and shall be located so as to draw a minimum of vehicular traffic to and through such streets.

6.2.1.2. The location, design and operation of such facility shall not adversely affect the character of the surrounding residential area.

6.3. **CAMPGROUNDS:** The following shall apply to all recreational camping parks:

6.3.1. **Minimum Size** - A campground shall have an area of not less than fifteen (15) acres.

6.3.2. **Camp Sites:**

6.3.2.1. A campground shall provide for individual trailer spaces and/or tenting sites, adequate access driveways, and parking facilities.

6.3.2.2. No recreational camping area shall contain more than two-hundred-and-forty (240) campsites, and each group of not more than sixty (60) campsites shall be separated from all other campsites by buffer zones at least one-hundred-and-fifty (150) feet wide.

6.3.2.3. Each individual campsite shall contain at least three-thousand-five-hundred

(3,500) square feet, and shall have at least fifty (50) feet of frontage on an access roadway.

6.3.2.4. No campsite shall be occupied by more than six (6) persons.

6.3.2.5. An electrical source supplying at least 30-amps at 120 volts with weatherproof outlets shall be provided for each trailer or recreational vehicle space. The installation shall comply with all applicable State and Town electrical laws and regulations.

6.3.3. **Roadways:**

6.3.3.1. No new recreational camping area will be permitted unless all town roads comprising the principal route of access to the lot are built to town specifications as set forth in Article 6, Section 6.4. of the Land Use Subdivision Regulations of the Epping Planning Board.

6.3.3.2. Private access roadways shall be at least twenty-two (22) feet wide, except roadways signed for "One-Way Traffic Only" shall be at least twelve (12) wide. All access roadways shall conform to Epping Fire Department requirements for emergency vehicle use as well as to the Life Safety Code of the State of New Hampshire.

6.3.4. **Setbacks:**

6.3.4.1. No facilities shall be located within one hundred (100) feet of any property line. A landscape buffer may be required.

6.3.4.2. No campsites shall be located within one-hundred (100) feet, nor any service or sanitary facility within three-hundred (300) feet of the mean high water mark of any body of water.

6.3.5. **Winter Operation** - No water supply or sewage disposal service shall be provided to any campsite or common facility between December 1 and March 15,

6.3.6. **Sewage Disposal:**

6.3.6.1. Every campground shall have a dumping station for sewage disposal which meets all applicable State and Town laws and regulations.

6.3.6.2. Covered containers for the disposal of solid waste shall be provided.

6.3.7. **Water Supply** - The water supply source must be ample and meet all State and Town regulations.

6.3.8. **Service Building Requirements** - Each recreational camping park shall provide one (1) or more service buildings in accordance with the following specifications:

6.3.8.1. **Toilets** - Flush type toilets shall be placed in a building that is not more than five hundred (500) feet from any recreational vehicle or tent space not less than twenty five (25) feet from any recreational vehicle or tent. No service building shall be located within eighty (80) feet of any public street or highway.

6.3.8.2. **Lighting Requirements** - The building shall be lit with a light intensity of at least five (5) foot candles measured at the darkest corner of the room.

6.3.8.3. **Construction Requirements** - The building shall be a permanent structure sheathed with impervious material, adequately ventilated and with all opening to the outside effectively screened. It shall be supplied with a floor drain, and shall comply with all applicable State and Town requirements.

6.3.8.4. **Toilet Requirements** - Separate toilet areas shall be provided for males and females in accordance with all applicable State and Town laws. Toilet rooms shall contain one (1) lavatory with hot and cold running water for each two (2) toilets, but in no case shall any toilet room be without at least one (1) lavatory with hot and cold running water.

6.3.8.5. Shower Requirements - Each service building shall have shower facilities with hot and cold running water.

6.4. **GROUP OR SHARED HOMES** - Group homes licensed by the State of New Hampshire will be permitted by Special Exception granted by the Zoning Board of Adjustment, provided that they meet all applicable site plan review regulations.

6.5. **MISCELLANEOUS USE:**

6.5.1. **Extraction of Stone, Sand, Gravel, Clay & Topsoil** - No extractive operations shall be carried out except in accordance with the regulatory provisions provided for in RSA:155-E and the Town of Epping Earth Excavation regulations.

6.5.2. **Signs - Exterior** - See Article 19 - Sign Ordinance adopted March 8, 1994.

6.6 **NON-CONFORMING USES AND STRUCTURES (Revised and relocated section--3/00)**

**Reconstruction of:**

Any non-conforming structure which is completely or substantially destroyed by casualty loss may be replaced with a similar structure which has the same building footprint dimensions and meets the setbacks of the previously existing structure. The structure may be rebuilt provided such construction is started within one year of the casualty loss and complete within two years of the casualty loss. The provisions of the Town of Epping Building Code, as amended, shall apply to any reconstruction.

**Expansion of Non-conforming uses:**

Except as noted below, an expansion of a non-conforming use is prohibited except by variance by the Zoning Board of Appeals.

A variance is not required if the expansion is a natural expansion which does not change the nature of the use, does not make the property proportionately less adequate, and does not have a substantially different impact on the neighborhood.

**Expansion of Non-conforming Structures:**

Non-conforming structures may be expanded in accordance with the terms of a special exception issued by the Zoning Board of Adjustment, which must find the following factors to exist before issuing such a special exception:

- a. The proposed expansion must intrude no further into any setback area than does the existing structure.

- b. The expansion must have no further adverse impact on the view, light and air of any abutter.
- c. The expansion must not cause property values to deteriorate.
- d. The expansion must not impede existing rights of access or egress.
- e. That portion of the proposed expansion, which will intrude into the setback must, in no event, exceed the footprint square footage of that portion of the structure which presently intrudes into the setback, regardless of the number of applications made over time under this subsection.
- f. In the event the non-conforming structure contains a commercial use, there must be no adverse impact on access, traffic, parking, lighting or other safety or visibility features of the existing structure.
- g. A special exception under this subsection may be granted only as to expansions into the side, front, and rear setbacks, and is not available for expansions which violate height restrictions of this ordinance.

**Discontinuance of:**

In the event that a non-conforming use is voluntarily discontinued for a period of one year, such non-conforming use shall be deemed abandoned and shall not be able to resume without compliance with the zoning ordinance or, alternately, without a variance from the zoning board of adjustment. Voluntary abandonment shall be evidenced by either of the following:

Discontinuance of the occupancy or nonconforming use for twelve consecutive months with no ongoing attempts to sell or lease the property for its non-conforming use; or,

Failure to resume the nonconforming use within eighteen months, even though there may be ongoing efforts to sell or lease the property for its non-conforming use.

**Continuance of:**

All non-conforming structures and uses which predate the adoption or amendment of this ordinance may continue in their present use. These uses shall run with the land and may be transferred by sale or lease by present owner to future owners or leasees, subject to the other terms of this Ordinance which limit such non-conforming uses.

All new uses, changes of uses, expansion of uses or resumption of uses previously discontinued shall not be permitted until the property owner or authorized leasee has first made application to the Town of Epping Code Enforcement Officer for an administrative decision seeking a determining whether a permit is required for such new, change, expansion or resumption of the non-conforming use or non-conforming structure under the terms of this ordinance. If a permit or other application is required, such use may not proceed until such application has been made a processed as required by town regulations and ordinances.

6.7 **EXPANDED HOME OCCUPATION USE REGULATIONS: (Relocated section—3/00)**

Requirements for the expansion of Home Occupations are as follows:

1. Applicant must seek site plan review with the Planning Board as per the Town of Epping Site Plan Review Regulations.
2. The Planning Board may waive submission requirements as required for site plan review.

3. Exterior displays are permitted but must not outweigh the residential nature of the property.
4. The expanded Home Occupation must not use more than forty (40%) percent of the gross floor area.
5. The expanded Home Occupation must not employ more than four (4) non-residential employees on the premises.

6.8 **MANUFACTURED HOUSING USE REGULATIONS\*: (Relocated section—3/00)**

1. All permanent Manufactured Housing shall be placed on a permanent foundation or on foundation piers.
2. The design and construction of the permanent foundation or permanent foundation piers shall comply with current amended Building Codes at the time of construction.
3. The temporary placement or manufactured housing on conforming lots may be permitted by the Board of Selectmen.
4. The Board of Selectmen shall set the conditions and criteria by which the temporary placement of manufactured housing shall be permitted on a conforming lot.
5. Because the Town of Epping allows manufactured housing throughout the town, manufactured housing parks will not be permitted.
6. All manufactured housing to be placed on lots within the Town of Epping shall be certified as US Department of Housing & Urban Development (HUD) approved.
7. All manufactured housing shall comply with Lot Dimensions and Setback Requirements of the zone in which the parcel is located.
8. All manufactured houses (mobile homes) located on any lot within the Town of Epping shall be placed, established, used and/or occupied as a single family detached dwelling.

\*These regulations shall apply to existing manufactured housing units in the High Density Residential and the Central Business Zone, and replacements for units that are destroyed by fire or other disaster, or replaced by reason of unsafeness or hazardousness, or upgraded homes at the discretion of the owner. Provided however that if a manufactured home is removed from the site for longer than one year a replacement unit may not be established. No new manufactured housing units may be established in the High Density Residential and Central Business Zone. (Adopted 3/10/98)

6.9 **MULTI-FAMILY HOUSING USE REGULATIONS: (Relocated section—3/00)**

1. ***Dwelling Units*** - Each building containing three (3) or more dwelling units whether new construction or conversion of existing construction, and wherever located within the town shall comply with the following: (amended 3/9/99)

***a. Minimum Enclosed & Heated Areas:***

- Studio Unit - 250 square feet net floor area.
- One Bedroom Unit - 400 square feet net floor area.
- Each Additional Bedroom - 100 square feet net floor area.

**b. Area Below Grade** - Floor levels of all habitable spaces shall be above adjacent grade on at least twenty five (25%) percent of the perimeter of each unit, and shall not be more than four (4) feet below grade at any point.

2. **Buildings** - Every building containing three (3) or more dwelling units whether new construction or conversion of existing construction shall comply with the following: (amended 3/9/99)

**a. Maximum Height** - Thirty five (35) feet measured vertically from lowest adjacent grade to highest point of roof.

**b. Maximum Number of Stories Containing Habitable Space** - Two (2) except by Special Exception from the Board of Adjustment.

**c. Minimum Area per Building** - One thousand (1,000) square feet net floor area.

3. **Projects** - Every project containing three (3) or more dwelling units on a single lot, whether new construction or conversion of existing construction, or both, shall comply with the following: (amended 3/9/99)

**a. Maximum Density**

- One (1) unit per forty thousand (40,000) square feet. Wetlands, as defined by state law, shall not be included in calculating allowable density.

-3 or more dwelling units, ten thousand (10,000) square feet per unit—**High Density Residential Zone only.**

**b. Minimum Frontage**

One-and-one-half (1-1/2) times the required frontage of the zone in which the development is to be located except by Special Exception by the Board of Adjustment. (Amended Town Meeting 2008).

**c. Minimum Setbacks - Buildings (NEW CONSTRUCTION ONLY)** - as far as reasonably necessary for maximum visual and acoustical screening from adjacent property and public ways and not less than one hundred (100) feet (50 feet in the Central Business and High Density Residential Zones) from all property except by Special Exception granted by the Board of Adjustment.

**d. Minimum Setbacks (DRIVEWAYS & PARKING AREAS)** - Fifty (50) feet (100 feet in the Residential Zone) from front property line (except connecting to public way) and twenty five (25) feet from side and rear property lines.

**e. Minimum Off-Street Parking** - Two-and-one-half (2-1/2) spaces per dwelling unit, except by Special Exception granted by the Board of Adjustment.

**f. Minimum Space for Outdoor Activities** - Six hundred (600) square feet per dwelling unit, including lawns, terraces, woodlands (from which underbrush has been removed), but not including driveways, parking areas, wetlands, or uncleared woodlands etc.

**g. Driveway Connections to Town Roads** - Connections shall be made only after the following:

(1) Application to the Board of Selectmen showing driveway access designed in accordance with the standards for rural roads contained in the manual "Policy and Procedure for Driveways and other Access to the State Highway System".

(2) Tender of an application fee payable to the Board of Selectmen.

(3) Granting of a permit by the Board of Selectmen.

(4) ***Review of Site Plan*** - A site plan of the proposed development shall be submitted to the Planning Board for review showing lot areas, lot frontages, size and location of all buildings, driveways, parking areas, outdoor activity areas, wetlands, provisions for visual and acoustical screening and any other information required by the Planning Board to determine compliance with the foregoing regulations.

**Special Exceptions:**

The Board of Adjustment may grant a Special Exception to any or all of the above requirements relating to the number of stories, frontages, setbacks and off-street parking where:

1. Ground coverage by buildings, driveways, parking areas and other paved or impervious surfaces do not exceed twenty five (25) percent (50% for the Central Business Zone) of the site.

2. The Board of Adjustment finds the proposed development maintains standards of public health, safety, welfare, convenience and amenity at least equal to those required elsewhere in these regulations.

~~3. The Planning Board has reviewed and found no objection to the proposed development.~~ (Remover Town Meeting - 3/9/10)

6.10 **DUPLEX HOUSING USE REGULATIONS: (Relocated section—3/00)**

***Dwelling Units*** - Each building containing two (2) dwelling units whether new construction or conversion of existing construction, and wherever located in the Town of Epping, shall comply with the following:

***1. Minimum Frontage*** - One-and-one-half (1-1/2) times the required frontage of the zone in which the duplex is to be located.

***2. Minimum Off-Street Parking*** - Two-and-a-half (2-1/2) spaces per dwelling unit.

***3. Lot Size*** - One-and-a-half (1-1/2) times the requirement of the zone in which the duplex is to be located.

6.11 **EXPANDED HOME OCCUPATION USE REGULATIONS: (Relocated section—3/00)**

Requirements for the expansion of Home Occupations are as follows:

1. Applicant must seek site plan review with the Planning Board as per Town of Epping Site Plan Review Regulations.

2. The Planning Board may waive submission requirements for site plan review.
  3. Exterior displays are permitted but must not outweigh the residential nature of the property.
  4. The expanded home occupation must not employ more than four (4) non-residential employees on the premises.
  5. The expanded Home Occupation must not use more than forty (40) percent of the gross floor area.
  - \*6. The expanded home occupation must have a driveway access and property frontage on Route 27.
- \* High Density Residential Zone only.

6.12 **EXISTING LOTS OF RECORD (Relocated section—3/00)**

A structure may be constructed on any existing lot of record even if said lot is less than the minimum area required for building lots in which it is located providing the following conditions exist or are met:

- 1. Availability of Adjacent Vacant Land** - No structure shall be erected on any non-conforming lot if the owner of said lot owns any adjoining vacant land which would create a conforming lot if said vacant land were merged with the lot deficient in area. Said merger of lots shall not result in a new non-conforming lot.
- 2. Side Yards** - No structure shall be constructed on a non-conforming lot unless it shall have a minimum side yard of ten (10) feet on either side.
- 3. Front & Rear Yards** - No structure shall be constructed on a non-conforming lot unless it shall have front and rear yards conforming to the minimum required for the zone in which said lot is located, or at such front yard setback distance as shall conform to the line of existing buildings on adjacent properties.

6.13 **DIMENSIONAL REGULATIONS (Relocated section—3/00)**

**General Application** - No building or structure shall have a greater number of stories nor have an aggregate height of a greater number of feet than is permitted in the zone in which such building or structure is located except as noted elsewhere in this ordinance.

**Exceptions to Height Regulations** - Chimneys, cooling towers, elevators, bulkheads, radio towers, gas tanks, fire towers, grain elevators, steeples, water towers, ornamental towers or necessary mechanical appurtenances may be erected to the height in accordance with the existing or hereafter adopted Ordinance of the Town of Epping, provided no tower shall exceed the height regulations by more than forty (40) percent except as noted elsewhere in this ordinance. No sign, nameplate, display or advertising device of any kind whatsoever shall be inscribed upon or attached to a chimney, tower, tank or other structure which extends above the height limitations.

**Side Yards of Corner Lots** - The side yard of any corner lot of record at the time of the adoption of this ordinance shall have a width equal to, but not less than, one-half (1/2) the required minimum front yard setback of any adjoining lot fronting on the side street. Any corner lot



delineated by subdivision after the adoption of this ordinance shall have a side yard equal in width to the minimum front yard setback of any adjoining lot.

**Transition Yard Requirements** -Where a residential zone abuts a non-residential zone on a street line there shall be provided in the non-residential zone for a distance of fifty (50) feet from the zone boundary line, a front yard not to be used for parking, at least equal in depth to that required in the residential zone.

Where the side or rear yard in a non-residential zone abuts a side or rear yard in a residential zone, a side or rear yard, not to be used for parking, shall be provided which is at least equal in depth to that required in the residential zone. In no case however, shall the abutting side yard be less than twenty (20) feet and the abutting rear yard be less than twenty (20) feet.

**Maximum Coverage** - Land coverage by principal and accessory buildings or structures on each zone lot shall not be greater than is permitted in the zone where such principal and accessory buildings are located.

**Accessory Structures** - Accessory structures shall comply with front, side and rear yard requirements for the principal structure to which they are accessory.

**Accessory Dwelling Unit** -An "In-Law" apartment style unit occupying not more than one-third (1/3rd)of the living space in the structure and not less than four-hundred-and-fifty (450) square feet in size for occupancy by not more than two (2) people:

1. Accessory dwelling units shall only be permitted in an existing single family unit with no more than one (1) accessory dwelling unit per existing single family detached dwelling unit.
2. An accessory dwelling unit shall be located within the structure of an existing single family detached dwelling unit. Any added external entrances for the accessory dwelling unit shall be located on the side or rear of the structure.
3. The occupancy of the accessory dwelling unit and the existing dwelling unit shall be in accordance with the following:
  - a. One (1) of the dwelling units shall be owner occupied.
  - b. The accessory dwelling unit may be occupied by not more than two (2) persons.

6.14 **Gasoline Stations and Service Stations / Auto Dealerships. (Adopted Epping Town Meeting 2007).**

In addition to the following zoning provisions, the Planning Board may adopt additional regulations applicable to these uses.

1. Gasoline Stations and Service Stations.
  - a. Additional uses proposed for the site shall require site plan review irrespective of their size.
  - b. Lighting shall be minimized and must be on a timer for reduced lighting during off-hours.

- c. Expansion of non-conforming uses for these facilities is prohibited unless in compliance with Article 22 (if adopted at Town Meeting).
2. Auto Dealerships ~~and Recreational Vehicle Sales~~ Establishments. (Removed Town Meeting 3/10/2009)
- a. Location restriction. This restriction is intended to protect the aesthetic development of the commercial districts by limiting a proliferation of dealerships, provide for a diverse range of commercial uses, and minimize traffic impacts in the commercial areas of town.
    - (1) No new facility ~~of either type~~ shall be located within 2,000 feet of an existing facility ~~of either type~~. (Removed Town Meeting 3/10/2009)
    - (2) Expansion within the 2,000 foot radius is permitted upon satisfaction of the following:
      - (i) Compliance of existing site with all codes, regulations and approvals.
      - (ii) Quantification and clear delineation of limits to the area devoted to sales and outdoor storage.
      - (iii) The expansion is onto land directly abutting and under common ownership and facilities of the existing use.
      - (iv) A one-time expansion is permitted and limited to 25% of existing area devoted to the use in place at the time of adoption of this section.
  - b. Outdoor storage other than as delineated on the plan shall be prohibited.
  - c. Auto repairs shall be permitted as an accessory use to sales provided the repairs take place in an enclosed area and are subordinate and incidental to the sales use.
  - d. Lighting shall be minimized and shall be from full cut-off fixtures and on a timer to reduce lighting during off-hours.
  - e. Expansion of non-conforming uses shall be prohibited.
  - f. All loading, unloading, and trailer parking shall occur on site during normal business hours.

**6.15 Hours of Operation and Construction**

As part of any site plan approval required under the regulations of the Planning Board and in accordance with RSA 674:43, the Planning Board shall be authorized to adopt regulations to limit the hours of operation for any commercial use developed in the Town of Epping and the hours of construction for the development of approved site plans in order to protect the health safety and welfare of abutting persons and preserve the quiet enjoyment of land.

In adopting these regulations, the Board shall specifically consider the zone where the site is located and the site's location with respect to abutting land and land uses and may adopt default hours. (Adopted Town Meeting - 3/10/2009)