

Amended 12-7-2022

Amended 1-3-2023 Moved to Warrant/Ballot

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## Proposed Zoning Amendment 2023-02

### Article II Use Districts

#### § 190-2.0 **Establishment of use districts.**

A. The Town of Rye is hereby divided into the following use districts:

Single  
Residence  
District (SR)

General  
Residence  
District (GR)

Public  
Recreation  
District (REC)

Business  
District (B)

Commercial  
District (C)

Conservation  
District  
(CON)

~~Industrial  
District (I)~~

B. Each district may be referred to hereinafter by its respective abbreviation.

#### § 190-2.1 **Zoning Map; district boundaries.**

A. Establishment.

(1) The districts aforesaid and the boundaries of such districts shall be such as shown upon a map prepared by the Rye Planning Board titled "Zoning Map Town of Rye Rockingham County, New Hampshire 1992" and drawn by James W. Sewall Company at a scale of one inch equals 1,000 feet, together with all notations, references, and other matter and things set forth and/or attached thereto, on file in the office of the Town Clerk of the Town of Rye, New Hampshire. This same map is hereby adopted and shall be known as the "Official

Zoning Map of the Town of Rye," and shall be certified by the Selectmen and the Town Clerk, and the Selectmen and the Town Clerk shall make all changes as may be effected by any amendment or changes in this chapter, such things to be made properly and promptly. **[Amended 1993; 2002; 2007; 2010]**

- (2) The Zoning Map was amended March 9, 2010, to enlarge the Commercial District by moving the boundary between the Commercial District and the Single Residence District that is located west of Lafayette Road and north of Breakfast Hill Road a distance of 800 feet further to the west so that the new boundary is 1,300 feet from Lafayette Road and to add a new Multifamily Dwelling Overlay District, per § **190-3.7** of this chapter. **[Amended 3-10-2020 by Art. 3]**
- B. Location. The original of said Zoning Map shall remain on file in the records of the Town Clerk and copies thereof shall be available at all times through the Selectmen and Town Clerk.
- C. Final authority. Regardless of the existence of purported copies of the Official Zoning Map which may from time to time be made or published, the Official Zoning Map which is on file with the Town Clerk shall be the final authority as to the current zoning status of any area within the Town of Rye.
- D. Boundaries of districts. Where uncertainty exists with respect to the boundaries of the various districts, as shown on the map accompanying and made a part of this chapter, the following rules shall apply:
  - (1) The district boundaries are streets unless otherwise shown, and where the districts designated on the map accompanying and made a part of this chapter are bounded approximately by streets, said street center line shall be construed to be the boundary of such district. The district boundaries along streets are generally defined by a line parallel to such street line and a designated number of feet therefrom as appears on the said map.
  - (2) Where the district boundaries are not otherwise indicated and where the property has been divided into blocks and lots, the district boundaries shall be construed to be the lot lines, and where the designated districts on the map accompanying and made a part of this chapter are bounded approximately by lot lines, said lot lines shall be construed to be the boundary of such district unless said boundaries are otherwise indicated on the map.
  - (3) In subdivided property, the district boundary lines on the map accompanying and made a part of this chapter shall be determined by the use of the scale contained on such map.
  - (4) Where not otherwise provided for, or a question exists, the Planning Board shall determine the exact boundary line.

**§ 190-2.2 Applicability of use district regulations.**

- A. Use. No building shall be erected, reconstructed, or structurally altered nor shall any building or land be used for any purpose other than is permitted in the district in which such building or land is located.

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- B. Height. No building shall be erected, reconstructed, or structurally altered to exceed the height herein established for the district in which such building is located.
- C. Yards. No lot area shall be so reduced or diminished *such* that the yards or other open spaces shall be smaller than prescribed by this chapter nor shall the density of population be increased in any manner except in conformity with the area regulations as hereinafter provided.
- D. Lots.
- (1) In the Single Residence and General Residence Districts only, there shall be no more than one principal building on one lot. **[Amended 1992]**
- (2) Lots with two or more *principal* dwellings. **[Added 3-14-2006]**
- (a) A lot which has two or more *principal* dwellings is a nonconforming use. *Notwithstanding any provision to the contrary in Section 190-6.2 and 190-6.3, on or after such lots with two or more principal dwelling units*, the following are prohibited expansions of a nonconforming use *and/or non-conforming structure* (~~see § 190-6.2A~~):
- [1] Increasing the building footprint of a dwelling.
- [2] Enlarging the bulk of a dwelling.
- [3] Adding decks, porches or other appurtenances to a dwelling, including roof decks.
- [4] Enlarging decks, porches or other appurtenances of a principal building.
- (b) This provision applies to all lots which have two or more *principal* dwellings, including lots having such dwellings in the condominium form of ownership. *This provision shall not apply to those properties that have permitted accessory dwelling units or legal apartments.*
- E. Septic systems. Construction of septic systems shall be set back 20 feet from side and rear lot boundaries in order to preclude flowage onto abutting property. Alteration, repairs, or replacement or extensions of existing systems must comply with New Hampshire Department of Environmental Services requirements *and all other applicable state laws and regulations*. **[Amended 1995; 3-11-2014]**
- F. Corner lots. On corner lots, the driveway shall exit only to the lesser traveled street. On a corner lot, frontage, depth and front yard requirements shall be met for both streets. The yard behind the principal building shall meet the rear yard requirement. The side yard shall meet the side yard requirement. On a corner lot having only three sides, the yard shall meet either the rear yard or side yard requirement depending on the orientation of the principal building. **[Amended 1995; 3-12-2019 by Art. 4]**
- ~~G. Government uses. All publicly owned lands and buildings, including playgrounds and parks under the control of the Town, school district, county, or state, also all property which by the laws of the State of New Hampshire is exempt from taxation in whole or in part, shall~~

~~comply with the requirements of the zoning district(s) in which they are located.~~

**HG.** Prohibited uses. There shall not be permitted in any district any:

(1) Junkyards.

~~(2) Apartment houses.~~

~~(3)~~(2) Retail or wholesale sale of fireworks, storage of fireworks intended for sale, or display for sale of fireworks. [Added March 2011]

~~(4)~~(3) *The unreasonable* Any use or thing which is injurious, noxious, or offensive *use of property, which through smell, noise, glare, excessive lighting, dust, particulates, pollution, blight, sight, or other conditions, causes or has a tendency to cause a diminution of property values, degradation of environs, or alteration of the character of the neighborhood.*

**IH.** Conversion to legal apartments. [Added 3-10-2020 by Art. 3]

(1) Definition. For the purposes of this subsection only, an illegal apartment is a dwelling unit other than the principal dwelling unit or principal use on a property for which a permit does not exist in the records of the Building Department and for which the owner is unable to establish that the dwelling unit is either lawfully permitted or grandfathered.

(2) Certification. The owner of a property having an illegal apartment may apply to the Building Inspector for a certificate of legality for the apartment ~~on or before December 31, 2024~~. The Building Inspector may grant a certificate of legality if he/she determines that the following requirements are met:

(a) The illegal apartment has existed prior to the adoption of § 190-5.6, Accessory apartments, of this chapter on March 10, 1998. Tax records and records supplied by the property owner may be consulted in making this determination.

~~(b) The illegal apartment has an interior floor area of at least 600 square feet.~~

~~(c)~~(b) Waste disposal.

[1] Sanitary waste disposal for the property is provided by Town sewers or by an effluent disposal system (EDS) which has been permitted by NHDES for a loading which includes the illegal apartment and all other uses of the property; or

[2] The EDS serving the property has been inspected by a licensed septic system inspector and determined to be functioning adequately and a design for a replacement system has been approved by NHDES.

~~(d)~~(c) The illegal apartment complies with the following codes:

[1] NH RSA 48-A:14, Minimum housing standards.

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[2] Smoke detectors per International Residential Code (IRC) R314 and State Building Code.

[3] Carbon monoxide detectors per IRC R351 and State Building Code.

[4] Emergency escape and rescue opening per IRC R310 and State Building Code.

[5] Street number per IRC 319 and Town ordinance.<sup>[1]</sup>

[1] Editor's Note: See Ch. 38, Building Numbers

[6] Egress and access door per IRC R31.2.2 and State Building Code.

~~[7] Fire Chief approval.~~

~~[8]~~**[7] State Fire Code and all other applicable Life Safety Codes, as determined upon review and approval of the Fire Chief.**

**[8] Demonstrate adequate off-street parking for all uses on the property as required by § 190-5.0 of this chapter. For the purposes of this calculation, the illegal apartment shall be construed as an accessory dwelling unit.**

(3) Conditions. The Building Inspector may place such conditions on the issuance of a certificate of legality as he/she deems to be in the interest of the public health, safety and welfare.

~~(4) Renewal. Certificates of legality shall be valid for five years or until sale of the property. Property owners granted a certificate of legality may apply for renewal of the certificate at five-year intervals or at the time of sale of the property. Certificates shall be renewed after inspection of the premises to determine continued compliance with the above requirements and any conditions placed on the original certificate. The Board of Selectmen may enact fees for the renewal inspection.~~

~~(5)~~**(4)** Form of certificate. The Building Inspector is authorized to create a certification form which implements this provision. The form shall contain a space for describing the apartment, including the size, number of rooms and any other information the Building Inspector deems pertinent.

~~(6)~~**(5)** Effect of certification. The issuance of a certificate of legality shall establish the legality of the apartment and shall quiet all assertions to the contrary.

## **J. Buffers.**

(1) Buffer adjacent to residential districts. Nonresidential uses of land which abuts a boundary of a residential zoning district shall provide a fifty-foot-wide buffer between the use and the residential district zone boundary. Said buffer shall include natural or added planting of evergreens which will screen nonresidential uses from residential areas during winter months. Where the buffer area is developed, further encroachment may occur only by special exception. **[Amended 1995]**

(2) Buffer between residential and nonresidential uses. [**Amended 2005**]

(a) In circumstances where a buffer will not be provided by § **190-2.2J(1)**, a fifty-foot-wide buffer, measured from the property line, shall be provided, as follows. Said buffer shall include natural or added planting of evergreens which will screen nonresidential uses from residential areas during winter months.

[1] New residential building or development shall provide such a buffer from an existing nonresidential use not permitted by right in a residential district or the boundary of an abutting nonresidential district.

[2] New nonresidential building or development of uses not permitted by right in a residential district shall provide such a buffer from an existing residential use. Within the Commercial District, such a buffer is not required around a nonconforming residential use existent as of March 9, 2005.

(b) If new residential development and new nonresidential development are part of the same land development;~~;~~~~the~~

**[1] The buffer shall be provided *between* around the nonresidential development in the residential districts and around the residential development in the nonresidential districts, and may be located on either side of an interior lot line (if applicable) so long as a 50-foot buffer is provided; and**

**[2] The buffer shall be provided around the residential and nonresidential developments that are part of that land development.**

~~K.J.~~ Conversion of seasonal dwelling units. Conversion of existing seasonal dwelling units shall be allowed in all zoning districts, provided that the ***following criterion are met***: [**Added 1992**]

(1) There shall be a minimum lot size of 7,000 square feet per dwelling unit;

(2) There shall be a minimum of 600 square feet ground floor area per dwelling unit;

(3) There shall be a state- and/or Town-approved septic system or Town sewer with sufficient capacity available; ***Such state- and/or Town-approved septic system(s) shall be in good working order, as evidenced by inspection and pumping. Documentation of inspection and pumping shall be provided to the Building Department within 30 days of inspection.***

(4) ***Demonstrate adequate*** ~~There shall be two~~ off-street parking ***for all uses on the property as required by §190-5.0 of this Chapter*** ~~spaces per dwelling unit;~~

(5) Inspection and approval shall be obtained from the Rye Fire Department for heating system ***and from the Rye Building Inspector as to the adequacy of all other components and systems of the Town;***

(6) Waterlines shall be located in accordance with the governing regulations of the appropriate

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water purveyor; ~~and~~ **[Amended 1993]**

(7) A certificate of occupancy shall be obtained from the Town of Rye. **[Amended 3-10-2020 by Art. 3]**

**(8) *The conversion of the seasonal dwelling unit shall not result in the establishment of two principal dwelling units on one lot or more than two dwelling units inclusive of accessory dwelling units on one lot.***

~~LK~~ Adult establishments. **[Added 1994; amended 2009]**

(1) In order to mitigate their harmful effects on neighborhood children and residential neighborhoods, adult bookstores, adult video stores, adult motion-picture theaters, adult cabarets, adult arcades and establishments governed by RSA 314-A, Body Art, shall not be permitted:

(a) On any parcel located 500 feet or less from the boundaries of the Single Residence and General Residence Districts, as measured along street frontage; or

(b) Within 500 feet of the property line of any mobile home park.

(2) In order to prevent a concentration of adult establishments in one area, which would tend to encourage blight, devalue property and increase crime, no adult establishment shall be permitted within 1,000 feet of another adult establishment.

~~ML~~. Upland soils. All lots shall have at least 44,000 square feet of upland soils, of which at least 30,000 square feet shall be contiguous. **[Added 3-14-2000]**

~~NM~~. Access to lots. In order to be considered suitable for development, access to a lot shall be by a driveway from frontage which meets the minimum frontage requirements of this chapter. A lot may be reached via a shared driveway by permission of the Planning Board for safety reasons; however, a lot shall not be considered suitable for development unless it is accessible by a driveway from frontage which meets the minimum frontage requirements of this chapter. ("Driveway" as defined by Chapter 202, Land Development Regulations.) **[Added 3-14-2000; amended 3-12-2019 by Art. 4]**

~~ON~~. Expiration of special use/conditional use permits. An approved but unused special use permit or conditional use permit shall lapse two years from the date of approval unless substantial construction relative to the permit has begun on the site or unless the Planning Board has approved an extension for good cause. Applications for an extension shall be subject to the hearing and notice requirements applicable to the original permit. **[Added 3-11-2014]**

~~PO~~. Medical marijuana facility. **[Added 3-10-2015]**

(1) In order to mitigate their harmful effects on neighborhood children and residential neighborhoods, any medical marijuana facilities shall not be permitted:

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- (a) On any parcel ~~located~~ **located** 500 feet or less from the boundaries of the Single Residence and General Residence Districts, as measured along street frontage; or
- (b) Within 500 feet of the property line of any mobile home park.
- (2) In order to prevent a concentration of medical marijuana facilities in one area, which would tend to encourage blight, devalue property and increase crime, no medical marijuana facilities shall be permitted within 1,000 feet of another medical marijuana establishment.

§ 190-2.3 **Single Residence Districts (SR).**

A. Permitted uses. In an SR District the following uses are permitted:

- (1) Single-family detached dwelling.
- (2) Church.
- (3) Home occupations. **[Amended 2001]**
  - (a) Home occupations are characterized by customers coming to the business location such as:
    - [1] Personal services, e.g., hairdressing, food preparation, tailoring, etc.
    - [2] Professional services by members of recognized professions, e.g., doctors, engineers, architects, dentists, *accountants*, *attorneys*, teachers, consultants, etc.
  - (b) Requirements.
    - [1] Such occupations shall be carried on by a person at the dwelling used as the person's private primary residence.
    - [2] Such occupation shall not occupy an area larger than 1/3 of the area of such residence interior.
    - [3] ~~No more than one other person shall be employed~~ ***There is sufficient off street parking in accordance with §190-5.0.***
    - [4] ~~There shall be no display from the street nor advertising except in a professional or announcement sign not exceeding four square feet in area.~~
    - [54] There shall be no disturbance to the local environment visually or from noise, noxious fumes, nighttime lighting, excessive traffic, or any other actions beyond what is customary in the neighborhood.
- (4) Public school education use.
- (5) Farm, including the sale of products grown on the premises only.
- ~~(6) General municipal recreation use.~~



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(76) Aquaculture, but only within the Wetlands Conservation District.

(87) Golf courses, provided that the golf course is an eighteen-hole course comprising at least 6,000 yards in length with a minimum of 60 acres in size, including a golf course as part of individual residential lot development, provided that said lots conform to all dimensional, area and other requirements of this chapter. **[Added 3-9-1999]**

(a) Accessory uses customarily incidental to a golf course such as tennis, paddle tennis, swimming pool, pro shop, clubhouse, practice facilities, social and business functions, storage, maintenance, food and beverage facilities and other related accessory uses are permitted.

(b) Any plan for *the establishment of* additional facilities or expansion of existing facilities must receive Planning Board site development approval.

(c) Roadways within any golf course related development shall be built to Town standards, provide for public access and be maintained by the developer, by a homeowners' association or by individual homeowners. Any golf course developments shall comply with all other sections of Chapter **202**, Land Development Regulations.

(98) Small wind energy systems, pursuant to the requirements of § **190-5.8** of this chapter. **[Added 2009]**

**(9) Religious institutions.**

(10) Accessory uses customarily incidental to the above.

B. Uses permitted by special exception. In the SR District the following uses are permitted by special exception *provided that (1) the criterion for the grant of a special exception set forth in 190-7.1(A)(3) is satisfied and (2) There is no disturbance to the local environment visually or from noise, noxious fumes, nighttime lighting, excessive traffic, or any other actions beyond what is customary in the neighborhood.* **[Added 1999]**

(1) Cemetery.

(2) Greenhouse or horticultural enterprise.

(3) Hospital, nursing facility, assisted living facility, or ~~religious or~~ educational institution. **[Amended 2009]**

~~(4) Municipal use.~~

(54) Public utility building or use necessary for the public welfare, *except for such uses exempt from zoning under RSA 674.54.*

(65) Condominium conversions in accordance with § **190-5.3**.

(76) Mobile homes in accordance with § **190-4.0**.

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- (87) Quarries, pits and turf farms in accordance with § **190-5.2**.
- (98) Bed-and-breakfast facilities, subject to limitations for customary home occupations in § **190-2.3A(3)** and subject also to site plan review by the Planning Board. [**Added 3-14-2000**]
- (109) Business use of residence. A property owner may use a residential property for a business use (other than a permitted home occupation) by special exception, provided that the following requirements are met, in addition to the requirements of § **190-7.1A(3)**: [**Added 2003**]
- (a) The use is subordinate to a single-family detached dwelling.
  - (b) The proprietor of the business is the owner-occupant of the property.
  - (c) Not more than three persons, in addition to the proprietor, shall be employed in the business. Not more than one of the three allowed employees may be employed on the premises.
  - (d) The business use shall not occupy an area greater than 1/3 of the floor area of the interior of the residence. Some or all of the business activity may be located in an accessory building to the residence, such as a garage or barn, but, if so, the total area occupied by the business (i.e., within the residence and/or within the accessory building) shall not be greater than 1/3 of the floor area of the interior of the residence.
  - (e) There shall be no more than two commercial vehicles kept at the premises. Heavy construction equipment, such as backhoes, bulldozers and dump trucks, is not allowed. Only two-axle business vehicles are allowed.
  - (f) All parking associated with the business use shall be off street, including any employee parking. Such parking shall not be located within 50 feet of the street line and shall be screened from adjacent properties.
  - (g) The following business uses are prohibited: retail sales; kennels; automobile or small engine repair or maintenance, welding and any other uses which involve the storage on the property of motor vehicles or the parts thereof; and uses which involve the storage of hazardous materials or substances.
  - (h) Businesses which generate more than 12 trips per day (including employee trips) based upon the most recent trip generation data published by the Institute of Traffic Engineers (ITE) are prohibited.
  - ~~(i) Signage as permitted for a home occupation by § **190-2.3A(3)(b)[4]** is allowed.~~
  - (j) The business use shall not detract from the residential character of the property, of the neighborhood, or of abutting properties. It shall not adversely affect the use and peaceful enjoyment of abutting residential properties.

(kj) The business use shall not:

- [1] Generate levels of noise, vibration, glare, smoke, dust, fumes, odors, or heat that are not customary in a typical residential neighborhood of Rye.
- [2] Generate nonresidential truck deliveries more than once a day.
- [3] Utilize the exterior spaces of residential structures or yard spaces for storage, display or other activities associated with the business in a manner that is not customary for a typical residential use *and that is visible from abutting properties or adjacent rights-of-way.*

C. Dimensional requirements.

- (1) Rear yards. There shall be behind every building a yard having a minimum depth of 1/4 of the depth of the lot or 30 feet, whichever is the less.
- (2) Side yards. There shall be on each side of every building a side yard having a minimum width of 20 feet.
- (3) Front yards. There shall be in front of every building a front yard having a minimum depth of 40 feet, provided that no front yard need be deeper than the average of the depths of front yards on the lots next thereto on either side, a vacant lot, or a lot occupied by a building with a front yard more than 40 feet deep, being considered as though occupied by a building with a front yard 40 feet deep.
- (4) Corner clearance. On a corner lot, nothing shall be erected, placed, planted or allowed to grow in such a manner as materially to impede vision between a height of 2 1/2 and 10 feet above the center-line grades of the intersecting streets in the area bounded by the street lines of such corner lots and a line joining points along said street lines 50 feet from the point of the intersection of such street lines.
- (5) Building area. No dwelling shall occupy more than 15% of its lot. *Every Except for accessory dwelling units, every* dwelling unit shall have a minimum ground floor area of 960 square feet, except that dwellings having living quarters on more than one floor above the basement may be reduced in ground floor area to 720 square feet, provided that a minimum living space of 960 square feet is provided therein. Open porches, garages, carports, barns, sheds, and unwalled covered areas shall not be included as ground floor area or living space. Dwellings plus open porches, decks, garages, carports, barns, sheds and other accessory buildings, plus patios, unwalled covered areas, impervious driveways, sidewalks, impervious walkways and other impervious surfaces, shall occupy no more than 15% of the lot. **[Amended 3-9-1999; 3-12-2019 by Art. 4]**
- (6) ~~Lot Area of lot per family.~~ *Lot* Area of lot per family. No building shall be erected on a lot containing less than 66,000 square feet. The frontage of any lot shall be at least 200 feet and the depth of any lot shall be at least 150 feet, but in combination shall constitute the required area of 66,000 square feet. **[Amended 3-9-1999]**
- (7) Height. No building or structure shall exceed 35 feet in height as measured from grade.

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Silos used for storage related to farming, protective netting structures at a golf course and wireless telecommunication towers are exempt from this limitation. [**Amended 3-18-2017**]

§ 190-2.4 **General Residence Districts (GR).**

A. Permitted uses. In a GR District the following uses are permitted:

- (1) Any use permitted in a Single Residence District.
- (2) Dwellings consisting of two single-family units to be used by not more than *one family per dwelling unit* (two families *total per lot*), ~~dwelling~~, subject to the requirements of § **190-2.4C(6)**.
- (3) Accessory use customarily incident to any of the above uses.

B. Uses permitted by special exception. In the GR District the following uses are permitted by special exception: [**Amended 1999**]

- (1) Cemetery.
- (2) Greenhouse or horticultural enterprise.
- (3) Hospital, nursing facility, assisted living facility, or ~~religious or~~ educational institution. [**Amended 2009**]

~~(4) Municipal use.~~

~~(54) Public utility building or use necessary for the public welfare.~~

~~(65) Condominium conversions in accordance with § 190-5.3.~~

~~(76) Mobile homes in accordance with § 190-4.0~~

~~(87) Quarries, pits and turf farms in accordance with § 190-5.2.~~

~~(98) Bed-and-breakfast facilities, subject to limitations for customary home occupations in § 190-2.3A(3) and subject also to site plan review by the Planning Board. [Added 3-14-2000]~~

C. Dimensional requirements.

- (1) Rear yards. There shall be behind every building a rear yard having a minimum depth of 1/4 of the depth of the lot or 30 feet, whichever is the less.
- (2) Side yards. There shall be on each side of every building a side yard having a minimum width of 20 feet.
- (3) Front yards. There shall be in front of every building a front yard having a minimum depth of 30 feet, provided that no front yard need be deeper than the average of the depths of front yards on the lots next thereto on either side, a vacant lot, or a lot occupied by a building

with a front yard more than 30 feet deep, being considered as though occupied by a building with a front yard 30 feet deep.

- (4) Corner clearance. On a corner lot nothing shall be erected, placed, planted, or allowed to grow in such a manner as materially to impede vision between a height of 2 1/2 and 10 feet above the center-line grades of the intersecting streets in the area bounded by the street lines of such corner lots and a line joining points along said streets 50 feet from the point of the intersection of such street lines.
- (5) Building area. No dwelling shall occupy more than 30% of its lot. ***Except for accessory dwelling units, every*** Every dwelling shall have a minimum ground area of 960 square feet except that dwellings having living space on more than one floor above the basement may be reduced in ground floor area to 700 square feet. Open porches, garages, carports, paved driveways and other impervious areas, barns, sheds, and unwallled covered areas shall not be included as ground floor area or living space. Dwellings plus open porches, decks, garages, carports, barns, sheds and other accessory buildings, plus patios, unwallled covered areas, impervious driveways, sidewalks, impervious walkways and other impervious surfaces, shall occupy no more than 30% of the lot. However, no dwelling unit shall provide less than 600 square feet of floor area ~~per family~~. **[Amended 3-9-1999; 3-12-2019 by Art. 4]**
- (6) ***Lot Size. No*** ~~Area of lot per family. No single-family dwelling or building~~ shall be erected on a lot containing less than 44,000 square feet. Two-family dwellings require a minimum of 88,000 square feet of lot area. The frontage of any single-family dwelling lot shall be at least 150 feet and the depth of a lot shall be at least 150 feet. The frontage of any two-family dwelling lot shall be at least 200 feet and the depth of a lot shall be at least 200 feet.
- (7) Height. No building or structure shall exceed 35 feet in height as measured from grade. Silos used for storage related to farming, protective netting structures at a golf course and wireless telecommunication towers are exempt from this limitation. **[Amended 3-18-2017]**

§ 190-2.5 (Reserved)

§ 190-2.6 (Reserved)

§ 190-2.7 (Reserved)

§ 190-2.8 **Conservation District (CON).**  
**[Added 1989]**

- A. Purpose. The purpose of the Conservation District is to permanently preserve unique natural resources from inappropriate development.
- B. Permitted uses. In the Conservation District only the following uses are permitted:
  - (1) Open space, forestry, and conservation areas.
  - (2) ***Agriculture that does not involve any construction or buildings or structures.***
  - (23) Aquaculture that does not involve any construction of buildings or structures.
  - (34) Hiking trails, nature trails, picnic areas, bicycling trails, cross-country skiing trails, and

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horseback riding trails, including bridges and wooden walkways appurtenant thereto.

(45) Nature centers and interpretative centers.

(56) Blinds for observing or photographing wildlife, birds and waterfowl.

(67) Uses accessory to any of the above permitted uses provided no buildings are constructed.

C. Uses permitted by special exception. In the Conservation District the following uses are permitted by special exception: accessory buildings customarily incidental to a permitted use, such as trail shelters, picnic shelters, sanitary facilities, and the like.

D. Prohibited uses. Commercial, business, industrial and residential uses and small wind energy systems are prohibited in the Conservation District. **[Amended 2009]**

E. Dimensional requirements.

(1) Minimum rear yard: 30 feet.

(2) Minimum side yard: 20 feet.

(3) Minimum front yard: 40 feet.

§ 190-2.9 ~~**RESERVED Public Recreation Districts (REC).**~~

~~All lands owned by the Town of Rye, the Rye School District and the State of New Hampshire reserved for recreational purposes are classed as Public Recreation Districts and shall be used only for recreational purposes.~~

§ 190-2.10 **Business Districts (B).**

**[Amended 1992]**

A. Permitted uses. In a B District the following uses are permitted:

(1) Any use permitted in any residential district, including accessory uses so authorized, and subject to all limitations there applicable.

(2) Retail establishment for the sale of groceries, dry goods, and other items commonly related to the retail grocery business.

(3) Drugstore, barbershop, beauty parlor, tailor shop, television service, retailing of toys and hobby crafts, bicycle shop and other similar uses.

(4) Gift, novelty, and sports shops.

(5) Restaurant, *diners*, *stationary food truck*<sup>1</sup>, tearoom, ice cream shop, or similar place serving food or beverage.

***[1] The establishment of a stationary food truck shall constitute a change of use and shall***

*require Site Plan Review with the Planning Board*

- (6) Motel, tourist camp, lodging house, and hotel, but only in accordance with the provisions of § **190-5.4** of this chapter, insofar as applicable.
- (7) Business, financial, professional or government offices. [**Amended 1996**]
- B. Uses permitted by special exception. In a Business District the following uses are permitted by special exception:
  - (1) Greenhouse or horticultural enterprises.
  - (2) Hospital, nursing facility, assisted living facility, or ~~religious or~~ educational institution. [**Amended 2009**]
  - ~~(3) Municipal use.~~
  - (43) Public utility building or use necessary to the public welfare.
  - ~~(54) Membership club.~~
  - (65) Condominium conversions in accordance with § **190-5.3**.
  - ~~(76) Mobile homes in accordance with § **190-4.0**.~~
  - (87) Quarries, pits and turf farms in accordance with § **190-5.2**.
  - ~~(98) Any use of the same general character as any of the uses herein allowed.~~
- C. Dimensional requirements.
  - (1) Rear yards. There shall be behind every building a rear yard having a minimum depth of 1/4 of the depth of the lot or 30 feet, whichever is less.
  - (2) Side yards. There shall be on each side of every building a side yard having a minimum width of 20 feet, except that 20 feet between cabins shall be sufficient on a tourist camp site.
  - (3) Front yards. There shall be in front of every building a front yard having a minimum depth of 30 feet.
  - (4) Corner clearance. On a corner lot, the same corner clearance shall be provided as required in Residence Districts.
  - (5) Building area. No more than 40% of the area of any lot shall be occupied by buildings. The building requirements for dwellings in this district shall be the same as specified for dwellings in a General Residence District. No principal building other than a dwelling on a

lot in this district shall have less than 1,200 square feet of ground floor area, excepting tourist camps.

- (6) Buffer adjacent to residential districts. If applicable, the buffer requirements of § **190-2.2J** shall apply.
  - (7) Area of lot. No single-family dwelling or any other building shall be erected on a lot containing less than 44,000 square feet, except for tourist camp sites. Tourist camp sites require a minimum of 2,200 square feet. Two-family dwellings, as permitted in the district, shall require a minimum of 88,000 square feet of lot area. The frontage of a lot shall be at least 150 feet and the depth of a lot shall be at least 150 feet.
  - (8) Height. No building or structure shall exceed 35 feet in height as measured from grade. Silos used for storage related to farming, protective netting structures at a golf course and wireless telecommunication towers are exempt from this limitation. [**Amended 3-18-2017**]
- D. Prohibited uses. The sale of gasoline, diesel fuel, kerosene products and liquefied petroleum gas is prohibited in the Business District. [**Added 2001**]

§ 190-2.11 **Commercial Districts (C).**

A. Permitted uses. In a C District the following uses are permitted:

- (1) Any use permitted in any Residence District including accessory uses so authorized and subject to all limitations there applicable except that residential uses, including single-family dwellings and two-family dwellings, are not permitted. [**Amended 3-14-2000**]
- (2) As permitted uses, any uses permitted in the Business District by § **190-2.10A(2)** through **(6)**, and subject to all limitations there applicable.
- (3) New automobile salesrooms, new boat salesrooms, new trailer salesrooms, farm machinery salesrooms, lumberyard and building supplies.
- (4) Professional offices, financial institutions, general retailing of goods and services.

B. Uses permitted by special exception. In a C District the following uses are permitted by special exception:

- (1) Any use of the same general character as any of the uses hereinbefore specifically permitted, *in Section (A)*.
- (2) The following uses, provided that the use shall not be detrimental or injurious to the neighborhood by reason of *noxious, or offensive use of property, which through smell, noise, glare, excessive lighting, dust, particulates, pollution, blight, sight*, the emission of ~~odor~~, fumes, smoke, vibrations, *fire hazard, air pollution*, ~~or noise or any other cause~~ *or other conditions, causes or has a tendency to cause, a diminution of ~~nor will diminish~~ surrounding property values, degradation of environs, or alteration of the character of the neighborhood.*



Amended 12-7-2022

Amended 1-3-2023 Moved to Warrant/Ballot

*(a) Establishments for the manufacture of solid materials*

~~(ab)~~ Wholesale *clubs or similar* establishments for *retail sales of finished goods* ~~manufactured solid materials.~~

~~(bc)~~ Gasoline stations.

~~(ed)~~ Public garages.

~~(d)~~ ~~Diners.~~

(3) Cemetery.

(4) Greenhouse or horticultural enterprise.

(5) Hospital, nursing facility, assisted living facility, or ~~religious or~~ educational institution.  
[Amended 2009]

~~(6)~~ ~~Municipal use.~~

~~(76)~~ Public utility building or use necessary for the public welfare, *except for such uses exempt from zoning under RSA 674:54.*

~~(87)~~ Membership club.

~~(98)~~ Condominium conversions in accordance with § 190-5.3.

~~(109)~~ Mobile homes in accordance with § 190-4.0.

~~(110)~~ Quarries, pits and turf farms in accordance with § 190-5.2.

~~(1211)~~ Commercial recreation. [Added March 2012]

C. Dimensional requirements.

(1) Rear yards. There shall be behind every building a rear yard having a minimum depth of 24 feet.

(2) Side yards. There shall be on each side of every building a side yard having a minimum width of 20 feet.

(3) Front yards. There shall be in front of every building a front yard having a minimum depth of 30 feet, except along Lafayette Road, where the front yard shall have a minimum depth of 60 feet. [Amended 1996]

(4) Corner clearance. On a corner lot, the same corner clearance shall be provided as required in Residence Districts.

(5) Building area. No more than 75% of the area of any lot shall be occupied by buildings.

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- (6) Area of lot. No building shall be erected on a lot containing less than 44,000 square feet. The frontage of any lot shall be at least 150 feet and the depth of any lot shall be at least 150 feet.
- (7) Height. No building or structure shall exceed 35 feet in height as measured from grade. Silos used for storage related to farming, protective netting structures at a golf course and wireless telecommunication towers are exempt from this limitation. **[Amended 3-18-2017]**

§ 190-2.12 ***RESERVED Industrial Districts (I).***

~~A. Permitted uses. In an I District the following uses are permitted:~~

- ~~(1) Any use permitted in a Commercial District, other than residential uses, and subject to all limitations respectively there applicable.~~
- ~~(2) Commercial processing establishment, the principal activities of which shall be the preparation of goods which are customarily delivered for consumption directly to their ultimate consumption outlet.~~
- ~~(3) Production establishment, the principal activities of which are other than manufacturing. Production may include processing and assembly of goods, together with associated administration, management, research, testing, freight handling, storage, and distribution.~~
- ~~(4) Trucking terminal.~~

~~B. Uses permitted by special exception. In an I District the following uses are permitted by special exception:~~

- ~~(1) Any use of the same general character as any of the uses hereinbefore specifically permitted.~~
- ~~(2) Manufacturing of all sort, provided that the use shall not be detrimental or injurious to the neighborhood by reason of the emission of odor, fumes, smoke, vibrations, or noise or any other cause.~~
- ~~(3) Greenhouse or horticultural enterprises.~~
- ~~(4) Hospital, nursing facility, assisted living facility, or religious or educational institution.~~  
**[Amended 2009]**
- ~~(5) Municipal use.~~
- ~~(6) Public utility building or use necessary to the public welfare.~~
- ~~(7) Membership club.~~
- ~~(8) Condominium conversions in accordance with § 190-5.3.~~
- ~~(9) Mobile homes in accordance with § 190-4.0.~~

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Amended 1-3-2023 Moved to Warrant/Ballot

~~(10) Quarries, gravel pits or turf farms in accordance with § 190-5.2.~~

~~C. Dimensional requirements:~~

~~(1) Rear yards. There shall be behind every building a rear yard having a minimum depth of 20 feet.~~

~~(2) Side yards. There shall be on each side of every building a side yard having a minimum width of 20 feet.~~

~~(3) Front yards. There shall be in front of every building a front yard having a minimum depth of 40 feet.~~

~~(4) Corner clearance. On a corner lot, the same corner clearance shall be provided as required in Residence Districts.~~

~~(5) Building area. No more than 75% of the area of any lot shall be occupied by buildings.~~

~~(6) Area of lot. No building shall be erected on a lot containing less than 44,000 square feet. The frontage of any lot shall be at least 150 feet and the depth of any lot shall be at least 150 feet. [Amended 1992]~~

~~(7) Height. No building or structure shall exceed 35 feet in height as measured from grade. Silos used for storage related to farming, protective netting structures at a golf course and wireless telecommunication towers are exempt from this limitation. [Amended 3-18-2017]~~