

ZONING ORDINANCE

FOR THE

TOWN OF RYE NEW HAMPSHIRE

As passed at the regular Town Meeting, March 10, 1953

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BUILDING ORDINANCE

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Gerald F. Giles

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TOWN OF RYE, NEW HAMPSHIRE

SECTION 1

DEFINITIONS

For the purpose of this ordinance, certain terms and words are herewith defined as follows:

Words used in the plural number include the singular, and the singular includes the plural; the word "building" includes the word "structure" and the word "shall" is mandatory and not directory.

Accessory Building: A subordinate building or portion of the main building, the use of which is purely incidental to that of the main building.

Alley: A way which affords only a secondary means of access to abutting property.

Basement: A story partly underground and having at least one-half of its height above grade. A basement shall be counted as a story if the vertical distance from grade to the ceiling is over five (5) feet, or if used for business purposes, or for dwelling purposes by other than a janitor and his family.

Boarding House: A building other than a hotel, where lodging and meals for five or more persons are served for compensation.

Building: A structure having a roof supported by columns or walls and when separated by a division wall without openings, each portion of such building shall be deemed a separate building.

Business: Includes the commercial, light industrial and heavy

D. — COMMERCIAL
E. — PICNIC AREA

The districts aforesaid and the boundaries of such districts as shown upon a map, together with all notations, references and other matters and things set forth and, or attached thereto, on file in the office of the Town Clerk of the Town of Rye, N. H. Be and the same hereby are 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 ordinance, such things to be made properly and promptly. 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 the Town Clerk.

EXCEPT as hereinafter provided:

1—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.

2—No building shall be erected, reconstructed, or structurally altered to exceed the height of bulk limit herein established for the districts in which such building is located.

3—No lot area shall be so reduced or diminished that the yards or other open spaces shall be smaller than prescribed by this ordinance, nor shall the density of population be increased in any manner except in conformity with the area regulations as hereinafter provided.

4—No yard or other open space provided about any building for the purposes of complying with the provisions of these regulations shall be considered as providing a yard or open space for any other building; provided further, that no yard or open space on an adjoining property shall be considered as providing a yard or open space on a lot whereon a building is to be erected.

5—Every building hereafter erected shall be located on a lot as herein defined, and in no case shall there be more than one building on one lot, except as hereinafter provided.

All publicly owned lands and buildings including playgrounds and parks under the control of the Town, 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 continue to be used only for the purpose for which it is being used at the time of the enactment of this ordinance. In the case of such property being vacant, unoccupied or unused, the use of such land and/or buildings shall be restricted so that the property shall continue to be used for the same purpose as when last occupied. It is the intention of this ordinance to limit the use of any land and/or property which by the Laws of the State of New Hampshire is exempt from taxation in whole or in part so that the use of the property shall not be changed from the present use unless such new use has been considered.

SECTION 3

SINGLE RESIDENCE DISTRICTS

Section 3. In a single residence district.

(A) Use: No building or premises shall be erected, altered or used except for one or more of the following uses:

(1) Single-family detached dwelling

(2) Church

(3) Customary home occupation, such as millinery, hair-dressing, manicuring, laundering, preserving and home cooking or the office of a doctor, dentist, musician, teacher, architect, artist, or member of some recognized profession, provided that such occupation shall be carried on by a person only within the dwelling used by him or her as his or her private residence, and provided that no more than one other person is

employed, and provided that such occupation shall not occupy more than one-third of the area of such residence, and provided that such occupation shall not be carried on in an accessory building, and provided that there is no display from the street nor advertising except a professional or announcement sign not exceeding four square feet in area

(4) **Educational use**

(5) **Farm**, including the sale of products grown on the premises only, but excluding any use injurious, noxious, or offensive to the neighborhood

(6) **Municipal recreation use**

(7) **Accessory use** customarily incident to any of the above uses.

(B) **Rear Yards:** There shall be behind every building, a rear yard having a minimum depth of one-quarter of the depth of the lot, or thirty feet — whichever is the less.

(C) **Side Yards:** There shall be on each side of every building a side yard having a minimum width of twenty feet.

(D) **Front Yards:** There shall be in front of every building a front yard having a minimum depth of thirty feet, provided that no front yard need be deeper than the average 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 thirty feet deep.

(E) **Corner Clearance:** Between the lines on intersecting streets and a line joining points on such lines fifty feet distant from their point of intersection or, in the case of a rounded corner, the point of intersection of their tangents, no building or structure or hedge may be maintained above a height three feet above the plane through their curb grades.

(F) **Building Area:** No dwelling shall occupy more than thirty-five per cent of its lot, and no building other than a dwelling shall occupy more than fifty per cent of its lot. Every dwelling unit shall have a minimum ground floor area

of 700 square feet, except that dwellings having living space on more than one floor above the basement may be reduced in ground floor area to 600 square feet. Open porches, garages, etc., shall not be included as ground floor area or living space.

(G) **Area of Lot Per Family:** No dwelling shall be erected on a lot containing less than fifteen thousand (15,000) square feet unless such a lot is of record at the time it is placed in a single residence area. The frontage of any lot shall be at least one hundred (100) feet and depth of any lot shall be at least seventy-five (75) feet.

(H) **Height:** No building shall exceed two and one-half stories or thirty-five feet in height.

SECTION 4

GENERAL RESIDENCE DISTRICTS

Section 4. In a general residence district:

(A) **Use:** No building or premises shall be erected, altered, or used except for one or more of the following uses:

(1) **Residences:**

Class 1—Dwellings consisting of two single-family units to be used by not more than two families per dwelling.

(2) Any use permitted in a single residence area and any accessory use customarily incident to any of the uses permitted in a single residence district.

(B) **Rear Yards:** There shall be behind every building a rear yard having a minimum depth of one-fifth of the depth of the lot, or twenty-four feet, whichever is the less.

(C) **Side Yards:** There shall be on each side of every building a side yard having a minimum width of fifteen feet. However, on lots having a width of fifty feet or less and the proposed building to be constructed on such lot not permitting

SECTION 6

BUSINESS DISTRICTS

(As amended March 11, 1958)

There shall be the following business districts:

(A) Tourist Business Districts

(1) Use: No building or premises shall be erected, altered, or used except for one or more of the following uses:

- (a) Any use permitted in a single or general residence area
- (b) Gift, novelty and sport shops
- (c) Restaurants
- (d) Motels, motor hotels, highway inns, with the use of these being regulated and restricted under Section 10 following where applicable.

(2) Servicing and parking: All of the above uses shall be provided with sufficient ways and spaces for servicing such buildings as may be constructed and providing parking to accommodate the patrons of such uses.

(3) Height: No building shall exceed two and one-half stories or thirty-five feet in height.

(B) Local Business Districts

No building, land or premises shall be erected, altered or used for any of the following specific trades or uses:

(1) Storage for sale of petroleum or other inflammable liquids, production or refining; except for heating and household purposes in an amount not exceeding one hundred gallons.

(2) Junk yard or place where junk is collected or stored. The word "junk" in this ordinance shall mean any old metals, old bottles, old rags, old paper, products,

a side yard having a minimum width of fifteen feet on each side of such proposed building, the width of such side yard shall be determined by the Board of Adjustment.

(D) **Front Yard:** There shall be in front of every building a front yard having a minimum depth of twenty 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 twenty feet deep being considered as though occupied by a building with a front yard twenty feet deep.

(E) **Corner Clearance:** Between lines of intersecting streets and a line joining points on such lines fifty feet distant from their point of intersection, on in the case of a rounded corner, the point of intersection of their tangents, no building or structure, or hedge may be erected or maintained above a height three feet above the plane through their curb grades.

(F) **Building Area:** No dwelling shall occupy more than forty per cent of its lot.

(G) **Area of Lot Per Family:** No dwelling shall be erected or altered to accommodate more than one family to each 6,000 square feet of area of the lot and no building shall be erected on any lot containing less than 10,000 square feet of area and less than 100 feet of street frontage unless such lot is of record in a deed or on a recorded plan at the time it is placed in a residence area.

(H) **Height:** No building shall exceed two and one-half stories or thirty-five feet in height.

SECTION 5

APARTMENT HOUSE DISTRICTS

There shall be no apartment house districts.