

ARTICLE 13 SIGNS, FENCES, MAILBOXES, WALKWAYS, DRIVEWAYS, RETAINING WALLS AND STONE WALLS.

Section 1301 Permitted In Minimum Yard Areas

Signs, fences, mailboxes, walkways, driveways, retaining walls and stone walls are structures which by their very nature and use are most frequently placed in the area reserved for minimum yard requirements (front, side, or rear). In order to expedite their placement by the property owner, no variance shall be required for the placement of any of these structures within a minimum front, rear, or side yard area provided the following standards are met.

Section 1302 Standards For Signs

1302.1 The following signs are allowed:

A. One on-premise sign relating to the sale or use of the land. Such sign not to exceed

32 square feet.

B. Off-premise directory signs. Such signs to be rectangular in shape and not to

exceed two square feet each.

1302.2 Signs shall not be placed in nor project over public rights-of-way.

Excluded from

this requirement are official street signs and traffic directions.

1302.3 Signs shall not be illuminated in any manner which causes undue distraction,

confusion, or hazard to pedestrian or vehicular traffic.

1302.4 Flashing signs shall be prohibited.

1302.5 Signs shall be constructed of durable materials and maintained in good repair.

Section 1303 Standards For Fences

1303.1 No fence shall be placed on or project into a public right-of-way.

1303.2 No fence shall be placed which in any way restricts the vision of the right-of-way

by operators of vehicular traffic. On corner lots, no fence over two and one half (2 1/2) feet shall be placed within twenty-five (25) feet of such intersection.

1303.3 Fences are to be constructed of durable materials and maintained in good

condition.

Section 1304 Standards for Mailboxes

1304.1.1 Mailboxes are to be placed in accordance with the regulations of the postal

service.

1304.2 No mailbox shall project into the traveled way.

1304.3 No mailbox shall be placed in a manner which restricts the view of the right-of-way by operators of vehicular traffic.

1304.4 All mailboxes shall be of durable construction and maintained in good condition.

Section 1305 Standards for Fences and Walls

1305.1 No fence or stone or retaining wall shall exceed eight (8) feet in height above the ground.

1305.2 For purposes of this section, height shall be measured from the natural (pre-construction) ground level, on the side of the wall or fence upon which the rise above ground level is greater.

1305.3 In the case of a fence constructed on top of, or immediately above a wall, the heights of the fence and wall shall be added together to determine whether the maximum height limit in this section is met.

Article 11 LIGHT COMMERCIAL USES

Section 1101 Purpose

A light commercial use may be allowed by the Board of Adjustment as a Special Exception on any lot in either the General Residential Zone or the Rural Residential Zone. The purpose of this use is to provide for services and employment opportunities for Town residents. At the same time, the ordinance intends to insure that the quiet, uncrowded, and scenic features of the Town are preserved, that the neighborhood character is maintained and that any nuisance to the neighborhood residents is minimized. In addition to the special exception standards contained in Section 306 of this Ordinance, the Zoning Board of Adjustment shall also determine whether any type of structural or vegetative barrier is required in order to shield neighboring properties from undue noise or visual disturbance.

Section 1102 Standards

In order to minimize the potential conflict with other uses in the neighborhood, to limit the building size and amount of commercial highway traffic on the Class Five highways, and to preserve its residential and scenic character, all light commercial uses shall comply with the following standards in addition to the Special Exception provisions of Section 306:

1102.1 The number of employees shall not exceed ten (10), subject to the right to request an increase by application to the Board of Adjustment. Any increase shall not adversely affect any of the requirements set forth in this ordinance and shall be subject to all provisions herein.

1102.2 The Light Commercial use shall be contained in a maximum of four (4) buildings. The total floor space of all building(s) combined shall not exceed 4,000 square feet, in the absence of circumstances justifying a variance. For purposes of this section 'floor space' means the sum of the physical areas of all floors of all buildings on the lot as measured to the outside surfaces of the exterior walls, with the exception of porches, balconies, open-sided roofed-over areas, and any spaces designed and used for the parking of motor vehicles.

1102.3 Any Light Commercial use which may result in an increase in traffic volume or an increase in the weight of vehicles shall be restricted to frontage on a state maintained highway and a Special Exception shall not be granted for a Light Commercial use fronting on a Class Five highway if there is a possibility that these increases may result.

1102.4 The total portion of the lot's surface area occupied by buildings, structures, areas improved for parking or driveway purposes, or other impervious surfaces, shall be limited to 40%. The applicant shall present a plan satisfactory to the Zoning Board of Adjustment to assure that all remaining areas will be devoted to natural growth or landscaping.

1102.5 There shall be adequate off-street parking for residents, customers and employees. The proposed use must meet all of the applicable requirements set forth in Article 15 of this ordinance.

1102.6 There shall be only one on premise sign, subject to all of the provisions contained in Article 13 of this ordinance.

1102.7 The bulk storage of hazardous materials shall be prohibited. The exception shall be the storage of gasoline, heating fuel, and diesel fuel for use in the buildings on the lot and in vehicles directly involved in the conduct of the light commercial use. Materials shall be considered hazardous if so designated by the U.S. Department of Transportation.

1102.8 Light Commercial uses shall be limited to those uses allowed by definition in this ordinance (see 1102.8 below) or allowed by necessary implication based upon other provisions of this ordinance. In all cases, the Board of Adjustment shall make a specific finding as to how the use is allowed under the provisions of the ordinance. In addition, the Board shall make specific findings of fact that the proposed use complies with and satisfies the specific standards contained in Section 1102 as well as the standards contained in Section 306 (Special Exceptions) and Section 309 (Performance Standards). There shall be evidence in the record submitted by the applicant with regard to all standards that apply.

1102.9 The following uses, as defined in Article 16, are included as Light Commercial uses which are allowed by Special Exception under this article:

- Animal hospital Warehouse
- Kennel Barbershop
- Laboratory Hairdresser
- Office Beauty parlor
- Retail store Shoe repair
- Sports club Photographic studio
- Stable Contractor
- Light assembly and fabricating operations
- Facilities for the storage of construction equipment and/or building supplies
- Service Establishment

The following uses, as defined in Article 16, are prohibited in all districts:

- Automobile service stations

- Motor vehicle repair services
- Automobile sales lot for new or used cars
- Trailer sales
- Mobile home sales
- Funeral Home

ARTICLE 14A ACCESSORY DWELLING UNITS

Section 1401A A single family residence constituting a principle Dwelling Unit may also include not more than one Accessory Dwelling Unit as an Accessory Use, either integral, attached or detached, provided all of the following conditions are met:

1401A.1 There shall be no more than one Dwelling Unit on the lot at the time the Accessory Apartment is proposed to be added.

1401A.2 The Accessory Dwelling Unit shall not exceed 1,000 square feet of enclosed space, and shall not contain more than 2 bedrooms

1401A.3 The principle Dwelling Unit and the Accessory Dwelling Unit shall comply with all requirements of this Ordinance, as well as with any other applicable ordinance, statute or code requirements.

1401A.4 The Accessory Dwelling Unit shall be equipped with a hard-wired fire and smoke alarm system. If the principle Dwelling unit and the Accessory Apartment are contained within the same building, both shall be equipped with a hard-wired fire and smoke alarm system such that alarms sound throughout both units in the event of an emergency in either unit.

1401A.5 A State approved septic system sufficient to serve both the principle Dwelling Unit and the Accessory Dwelling Unit shall be in place before any construction or renovation is begun to add an Accessory Dwelling Unit.

1401A.6 A Certificate of Occupancy must be obtained before any newly created or structurally altered Accessory Dwelling Unit may be occupied.

1401A.7 Title to the Accessory Dwelling Unit shall remain the same as title to the principal dwelling unit, and no Accessory Dwelling Unit lawfully established pursuant to this Ordinance shall be deemed to create or allow any subdivision of the property into separate fee estates by deed, use or otherwise, except by express approval by the Planning Board of a subdivision under the then applicable Land Subdivision Regulations of the Town of Sugar Hill.

Section 1402A Additional Requirements

1402A.1 The property owner must occupy either the primary dwelling unit or the accessory dwelling unit as his/her principle place of abode. A temporary leave of absence is permitted, provided the owner-occupied unit is not rented or occupied by anyone other than the property owner during such a leave of absence. Prior to the issuance of an occupancy permit, the owner shall record in the Grafton County Registry of Deeds an acknowledgement of the above owner-occupancy requirement in a form satisfactory to the Selectmen, in order to put prospective buyers on notice of the prohibition against renting both units.

1402A.2 If the lot involved does not meet the applicable minimum lot size required by this Ordinance, an Accessory Dwelling Unit shall only be permitted if it is attached to the principal dwelling unit.