

**Amendments to Sugar Hill Zoning Ordinance  
Proposed by the Planning Board  
for March 2024 Town Meeting  
(To be voted by ballot)**

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**PROPOSED AMENDMENT NO. 1**

Would reduce the required width of a parking space from 12 ft. to 9 ft. which is a more typical standard, make the requirement for all residential uses be 2 parking spaces per dwelling unit, except one space for accessory dwelling units, and provide the Planning Board with some flexibility in determining the required number of parking spaces for nonresidential uses.

Specifically, in **Section 1504 Schedule of Requirements**, would make the following changes:

1504.1 ~~In all districts, the off-street parking facilities shall be provided as follows:~~ The following are guidelines for off-street parking. A lower number of parking spaces may be approved by the Planning Board as part of Subdivision or Site Plan Review upon receipt of a parking plan deemed by the Board to adequately document the projected need. The parking plan shall include adequate documentation to support the proposed number and location of spaces and demonstrate appropriate parking for the number and type of vehicles which are expected as part of the operation of the facility, including all commercial vehicles required for the normal operation of the facility and any oversized vehicles such as tour buses, trailers and ramps for loading and unloading. The required number of parking spaces may be higher than indicated below when judged by the Planning Board to be necessary for public safety.

<u>Use</u>	<u>Number of Spaces</u> <del>Minimum Requirement</del>
<u>Residential</u> <del>Single Family Dwelling dwelling unit.</del>	2 per unit, <u>except 1 for accessory</u>
<del>Multifamily Dwelling</del>	<del>————— 1.5 per unit for the first bedroom and 0.5 for each additional bedroom with the total equaling the next highest full space.</del>
Agriculture	2 plus 1 additional for each accessory building.

Schools	1 per employee based on the highest expected average employee occupancy.
Churches	1 for every 4 seats.
Municipal Buildings	1 per employee based on the highest expected average employee occupancy.
Motels, Hotels, Tourist Homes	1 per employee based on the highest expected average employee occupancy plus 1 per lodging unit.
Restaurants	1 for every 2 seats.
Medical Clinics	1 per employee based on the highest expected employee occupancy plus 1 per 150 sq. feet of floor space.
Hospitals & Rest Homes	1 per employee based on the highest expected average employee occupancy plus 1 per 2 beds.
Home Occupations	1 per employee based on the highest expected employee occupancy plus 1 per 150 sq. feet of floor space plus 2 per dwelling unit.
Light Commercial	1 per employee based on the highest expected employee occupancy plus 1 per 150 sq. feet of floor space plus 2 per dwelling unit.

1504.21 For buildings and land uses which fall into more than one of the categories or do not fall within any of the categories listed in 1504.1, reasonable and appropriate off-street parking requirements shall be determined by the Planning Board as part of the Site Plan Review process ~~Zoning Officer by applying the requirements of 1504.1 to the individual component parts of such building or land use, the sum of which shall be the total amount of parking facilities to be provided.~~

~~1504.22.1 For buildings and land uses which do not fall within any of the categories listed in 1504.1, reasonable and appropriate off-street parking requirements shall be~~

~~determined by the Zoning officer by applying the closest applicable categories of 1504.1 to such building or land use.~~

~~1504.23 — The administrative decision of the Zoning Officer in either 1504.21 or 1504.22 may be appealed to the Zoning Board of Adjustment, which shall consider all factors entering into the parking needs of each such building or land use.~~

In **Section 1506 Parking Space Dimensions**, would make the following change:

Each parking space shall measure at least ~~12~~ 9 feet wide by 18 feet long. Larger dimensions may be required for some uses.

And in **Section 1602 Term & Use Definitions**, would make the following change:

Parking Space, Off-Street: For this Ordinance, a parking space shall consist of adequate space for parking an automobile with room for opening doors on both sides (~~9~~12 feet minimum) together with properly related access to a public street.

**PROPOSED AMENDMENT NO. 2**

Would correct the terminology used in the Zoning Ordinance to differentiate between two-family dwellings and multifamily dwellings, eliminate the need for a two-family dwelling to have double the acreage of a single-family dwelling, and, in the General Residential (GR) and Rural Residential One (RR1) Districts, eliminate the requirement for a Special Exception from the Zoning Board of Adjustment in order to convert an existing single-family dwelling to a two-family dwelling.

Specifically, in **Article 16 Definitions**, would make the following changes:

Dwelling, Multifamily: A residential building designed for and occupied by ~~three~~two or more families with the number of families in residence not exceeding the number of dwelling units provided. All such buildings whether owned by a single individual, a tenants association, or the individual residents of each unit shall be considered multifamily dwellings. Multifamily dwellings are allowed by Special Exception in the General Residential and Rural Residential One districts.

Dwelling, Two-Family: A residential building designed for and occupied by two families.

Dwelling, Two-Family Conversion: Conversion of an existing single-family dwelling to a two-family dwelling with no increase in gross floor area.

Gross Floor Area: The sum of the horizontal area of all floors of a building, measured from the exterior faces of the walls but not including unfinished cellars, attics, porches, etc.

Non-Residential Use: All uses of buildings, structures and land except single-family dwellings, two-family dwellings, multifamily dwellings and mobile homes.

Residential Use: Includes single-family, two-family and multifamily dwellings and mobile homes. (~~See Single Family and Multifamily Dwelling.~~)

In **Article 3 Districts and District Regulations** would add “Two-Family Dwelling Conversion” as a Permitted Use in GR and RR1 and “Two-Family Dwelling” as a use Allowed by Special Exception in GR and RR1.

In **Article 4 General Provisions, Section 402 Principal Buildings on Lots**, would make the following change: There shall be only one (1) principal building on a lot used for residential purposes. This includes a single-family dwelling, a two-family dwelling, ~~and~~ a multifamily dwelling. For non-residential land use, there may be more than one principal building on a lot, if the Zoning Board of Adjustment approves a Special Exception therefore subject to the standards required in Section 306 for Special Exceptions.

In **Article 14 Multi-fFamily Dwellings**, would make the following change:

1404.4 A fire lane of at least 15 feet in width shall be provided in all driveways and parking areas in all multifamily dwellings. ~~servicing three or more families.~~

And in **Article 15 Off-Street Parking Requirements**, would make the following change:

Single-Family and Two-Family Dwellings 2 per unit.  
(Will be superseded by language of Amendment No. 1 if both amendments pass.)

**PROPOSED AMENDMENT NO. 3**

The Zoning Ordinance currently allows the Zoning Board of Adjustment to grant a Special Exception for a multifamily dwelling in the General Residential (GR) or Rural Residential One (RR1) Districts. This amendment would provide the opportunity for the owner of a two-family dwelling to apply for a Special Exception to add one accessory dwelling unit to a two-family dwelling, or for the owner of a single-family dwelling to add a second accessory dwelling unit under certain conditions.

Specifically, in **Article 3 Districts and District Regulations**, would make the following changes:

Change “single family dwelling,” listed as a Permitted Use in the three use tables to read “single-family dwelling with or without a single accessory dwelling unit.”

Add “two-family dwelling with a single attached accessory dwelling unit” to the uses allowed by Special Exception in GR and RR1.

Add “single-family dwelling with two accessory dwelling units provided one is attached and one is within existing detached accessory building such as guest cottage, garage or barn” to the uses allowed by Special Exception in GR and RR1.

#### PROPOSED AMENDMENT NO.4

Would make two changes to increase the opportunity to add an accessory dwelling unit. The first change would remove the requirement that property with an accessory dwelling unit be owner-occupied. The second change would allow a lot that does not meet the current minimum lot size to have an accessory dwelling unit in an existing accessory building if it is within the existing footprint and in compliance with setbacks. Would also remove provisions inconsistent with state law.

Specifically, in **Article 3 Districts and District Regulations**, would change “single family dwelling” in the three use tables to read “single-family dwelling with or without a single accessory dwelling unit.”

In **Article 14A Accessory Dwelling Units**, would make the changes shown below:

(This Article and those following it would be renumbered to make it consistent with the rest of the Ordinance.)

#### ~~Section 1401A~~

~~Except as otherwise provided elsewhere in this Ordinance, a~~ single-family ~~dwelling~~ residence constituting a principal ~~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 below 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.~~1~~2 The Accessory Dwelling Unit shall not exceed 1,000 square feet of gross floor area ~~enclosed space~~, and shall not contain more than 2 bedrooms

1401A.~~2~~3 The principal ~~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 principal 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.~~3~~5 A permit for a State-approved septic system sufficient to serve both the principal ~~dwelling~~ unit and the Accessory Dwelling Unit shall be obtained ~~in place~~ before any construction or renovation is begun to add an Accessory Dwelling Unit.

1401A.~~4~~6 A Certificate of Occupancy and Use must be obtained before any newly created or structurally altered Accessory Dwelling Unit may be occupied. A State-approved septic system sufficient to serve both the principal dwelling unit and the Accessory Dwelling Unit shall be in place before a Certificate of Occupancy and Use may be issued.

14.01A.~~5~~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.~~

~~14012A.62~~ If the lot involved does not meet the applicable minimum lot size required by this Ordinance, a detached Accessory Dwelling Unit shall only be permitted if within the existing footprint of an existing accessory building and in compliance with all setbacks.~~it is attached to the principal dwelling unit.~~

And in **Article 16 Definitions**, would add the following:

Gross Floor Area: The sum of the horizontal area of all floors of a building, measured from the exterior faces of the walls but not including unfinished cellars, attics, porches, etc.

**PROPOSED AMENDMENT NO. 5**

Would reduce the required minimum number of homes in a Cluster Development from 5 to 3, and enable the Planning Board to reduce frontage and setbacks within a Cluster Development, provided there is at least a 50-foot separation distance between dwellings, and to increase setbacks and/or require screening from abutting properties and existing roads. Would also provide more guidance regarding use of the protected open space in a Cluster Development.

Specifically, in **Article 6 Cluster Development**, would make the changes shown below:

**Section 601**                      **Intent**

Cluster ~~D~~development is intended to enable and encourage flexibility of design in single-family subdivisions in the GR and RR1 districts. By allowing reduced lot sizes, housing areas shall be developed so as to promote the most appropriate use of land; to facilitate economical and efficient provision of public services; to allow land use patterns which preserve trees, outstanding natural topography and geologic features and to prevent soil erosion; and to preserve the natural and scenic qualities of the open land in the Town for conservation and recreation.

**Section 602**                      **Issuance of a Zoning Permit**

Cluster ~~D~~development is a ~~P~~permitted use as listed in the tables for each of the districts. As a ~~C~~cluster ~~D~~development is a subdivision, ~~then~~ the review of the proposed ~~C~~cluster ~~D~~development is by the Planning Board as provided in the Subdivision Regulations for the Town of Sugar Hill. The Zoning ~~O~~fficer may issue a Zoning Permit for a Cluster Development only after the Subdivision has been approved by the Planning Board.

**Section 603**                      **Layout Area and Dimensions**

A Cluster Development shall be subject to the following minimum lots of land and yard requirements based upon the district in which it is located. The requirements listed herein supersede those of Sections 304.1 and 304.2.

The minimum acreage required for a Cluster Development shall be 6 acres in the GR District and 9 acres in the RR1 District.

The minimum size of individual lots in a Cluster Development shall be 1 acre.

~~603.1—General Residential District~~

- ~~Minimum Lot Size: \_\_\_\_\_ 1.0 acres~~
- ~~Minimum Road Frontage: \_\_\_\_\_ 125 feet~~
- ~~Minimum Front Yard: \_\_\_\_\_ 50 feet~~
- ~~Minimum Side Yard: \_\_\_\_\_ 35 feet~~
- ~~Minimum Rear Yard: \_\_\_\_\_ 35 feet~~
- ~~Minimum Number of Lots: \_\_\_\_\_ 5 lots~~



**603.2 — Rural Residential District, One**

**Minimum Lot Size: — 1.0 acres**

**Minimum Road Frontage: — 125 feet**

**Minimum Front Yard: — 50 feet**

**Minimum Side Yard: — 35 feet**

**Minimum Rear Yard: — 35 feet**

**Minimum Number of Lots: — 5 lots**

The Planning Board shall evaluate the natural features of the land, the suitability of proposed lots or dwelling units, resident and guest parking needs, and overall layout requirements of the development, and may approve reduced interior setbacks and reduced frontage requirements on interior roads. The setbacks from existing roads and from abutting properties not part of the application shall be as normally required for the zoning district-. The Planning Board may require increased setbacks and/or vegetative screening from existing roads and/or abutting properties.

Dwellings shall be separated by a minimum of 50 feet, measured at the nearest point of any architectural feature such as eave, deck, or bulkhead.

**Section 604                      Open Space**

The total size of the development shall be at least equal to the number of single-family units planned multiplied by the normal minimum lot size for the district as specified in Sections 304.1 and 304.2. The difference between the sum of the actual lot sizes and the overall size of the development shall be held as common land and maintained as open space. At least 50% of the total property shall be left in the form of open space. Where applicable, open space areas should be located and designed so as to protect important scenic views and natural resources such as agricultural land, wetlands, shorelands or other important habitat. At least 20% of the property shall be comprised of open space that is realistically and conveniently usable for recreational purposes by the future residents.

The Planning Board may allow at its discretion a portion of the open space area to be utilized for water supply, wastewater treatment, and/or stormwater treatment purposes compatible with other open space purposes.

All permanent open and recreational space areas shall be protected from further development by legal arrangements, satisfactory to the Planning Board, sufficient to ensure its maintenance and preservation for the designated purpose. Open space land cannot be further subdivided.

## **PROPOSED AMENDMENT NO. 6**

Would establish Short-Term Rentals as a Permitted Use in any single-family dwelling (except those in a cluster development), and in one unit only in an owner-occupied two-family dwelling or owner-occupied single-family dwelling with an accessory dwelling unit. A Zoning Permit would be required to ensure that some basic health and safety requirements are met.

Specifically, in **Article 16 Definitions**, would add:

**Owner-occupied:** Describes the principal residence of a person or persons that hold(s) title to the property.

**Short-Term Rental:** A single-family dwelling, or owner-occupied two-family dwelling or owner-occupied single-family dwelling with accessory dwelling unit where one unit only is offered for transient use for compensation. Refers only to dwelling units that would normally be considered a residential use not associated with Tourist Homes.

**Transient:** Describes a room, number of rooms, or dwelling unit that is offered for rent in increments of less than 30 days.

In **Article 3 Districts and District Regulations**, would make the following changes:

Add "Short-Term Rental, except in Cluster Development" as a new Permitted Use in GR and RR1.  
Add "Short-Term Rental" as a new Permitted Use in RR2.

Would add the following **new article titled "Short-Term Rentals"** after Accessory Dwelling Units (currently Article 14A), and renumber subsequent articles accordingly:

Each of the following must be documented to the satisfaction of the Zoning Officer prior to the issuance of a Zoning Permit for a Short-Term Rental:

1. Access to the dwelling is provided by a Town or State-maintained road, or private road that has not been the subject of a waiver pursuant to RSA 674:41 and that has been approved by the Planning Board.
2. The dwelling is served by one on-site parking space for each permitted bedroom plus one additional parking space.
3. The septic system is properly-functioning, with a NHDES permit on file for the number of bedrooms. For systems without a NHDES permit on file, an evaluation by a NH Certified Septic System Evaluator will be required, along with a current NHDES-approved design to be constructed in the event of system failure.
4. Documentation must be provided prior to the issuance of a permit of a test of drinking water for total coliform by a New Hampshire Environmental Laboratory Accreditation Program-accredited lab showing the absence of coliform bacteria.
5. The dwelling is in compliance with all applicable building, health and life safety codes.

And would add the following new item to **Section 1701 Zoning Permit**:

D. Use of a dwelling as a Short-Term Rental. (May also require a Short-Term Rental Permit from the Select Board.)

**PROPOSED AMENDMENT NO. 7**

Would make revisions throughout the Zoning Ordinance to update references to state laws and agencies; make minor editorial corrections; eliminate redundancy and conflicts; clarify language; add elements in accord with state laws and court decisions regarding accessory dwelling units, signs, and Board of Adjustment powers; and update certain language to conform with the current application of the Ordinance.

**See separate file for Zoning Ordinance marked up with proposed revisions included in Proposed Amendment No. 7.**