

ZONING ORDINANCE

TOWN OF SUGAR HILL

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**ZONING ORDINANCE
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ARTICLE 1 PREAMBLE AND TITLE

Section 101 Preamble

In pursuance of the authority conferred by New Hampshire Revised Statutes Annotated, Chapter 674, Section 16, and in conformity with the Master Plan for the Town of Sugar Hill and for the purpose of promoting the health, safety and general welfare of the inhabitants of the Town of Sugar Hill, now therefore the following ordinance is hereby enacted by the voters of the Town of Sugar Hill, New Hampshire.

Section 102 Title

This ordinance shall be known and may be cited as the "Zoning Ordinance of the Town of Sugar Hill, New Hampshire, 1986," hereinafter referred to as "this Ordinance."

Section 103 Application of this Ordinance

No structure shall be constructed, erected, placed, or maintained and no land use commenced or continued within the Town of Sugar Hill except as specifically or by necessary implication authorized by this Ordinance. In the adoption of this Ordinance, which excluded certain uses of land, the voters have considered the unique topography of the town, its soils, the lack of central water and sewer systems and the present character of the town.

Section 104 Uses as Defined

Only those uses listed as Permitted in this Ordinance shall be allowed by right. Uses listed as allowed by Special Exception shall only be allowed by approval of the Board of Adjustment pursuant to Section 1805. All uses listed in this Ordinance, whether Permitted or allowed by Special Exception, shall be construed only as defined within this Ordinance. It is the intent of this Ordinance that no other uses be allowed. Uses not listed are neither Permitted nor allowed by Special Exception.

ARTICLE 2 EXISTING USES

Section 201

Any lawful building, or use of a building, or land, or parts thereof in existence at the time of the adoption of this Ordinance, or of any amendment thereto, may be continued although such building or use does not comply with the provisions herein. Such building or use shall be lawful if there was compliance with the prior Zoning Ordinance in effect. This Zoning Ordinance shall, however, apply to any alteration of a building or change in the use of property. Nonconforming uses and structures shall be subject to the provisions of Article 5.

ARTICLE 3 DISTRICTS AND DISTRICT REGULATIONS

Section 301 Establishing Districts

The Town of Sugar Hill is hereby divided into the following districts as shown on the official zoning map:

GR	General Residence
RR1	Rural Residence, One
RR2	Rural Residence, Two
SF	Shorefront Overlay

Section 302 Zoning Map

The districts as established in Section 301 are shown on a map on file in the offices of the Town of Sugar Hill, which map is a part of this Ordinance. This map is titled "Town of Sugar Hill Zoning Map -- Town Wide". For the purpose of identification, the signatures of the members of the Planning Board and the date of adoption are indicated.

Section 303 District Boundaries

A district boundary shown on the zoning map as approximately following the center line of a street or road, or a shoreline of a body of water, shall be construed as following such line. Any district boundary line which appears to run parallel to a street or road but not at the centerline shall be construed as existing one thousand (1000) feet from the centerline. If the district classification of any land is in question, it shall be deemed to be in the most restrictive adjoining district.

Section 304 District Objectives and Land Use Control

The following tables establish the objectives of each of the districts established above and the provisions of the regulations that apply respectively in each district. Any use designated as a "Permitted Use" in the table relating to a particular district may be commenced in such district pursuant to Section 305 of this Ordinance. Any use designated as a "Special Exception" in the table referring to a particular district may be commenced in such district pursuant to Section 306 of this Ordinance. Explanation of lots, dimensional requirements, accessory uses and application of District Regulations affecting all uses are found in Sections 307-312 inclusive.

Section 304.1 General Residential

Table 304.1
"GR" General Residence

Objective:

Within any community, it is necessary to provide for a wide range of dwelling units from single family to multifamily. At the same time, in a community whose economy is based in great measure on its scenic beauty, it is also necessary to make provisions for the conservation of these scenic vistas while at the same time allowing for controlled growth of services for transient visitors to the town and the development of a community base of light commercial uses and home industries. The General Residential District is centered around those areas of Sugar Hill where the greatest amount of development has already taken place. State highways and improved town roads are the primary means of access to this district thus making this area more readily accessible for police and fire protection. In addition, these highways and roads make this area desirable as a locale for light commercial development and home occupations.

Uses:

Permitted Uses (See Section 104, Uses as Defined)

1. Single-family dwelling with or without a single accessory dwelling unit
2. Two-family dwelling conversion
3. Conservation area
4. Museums
5. Municipal buildings and services
6. Cluster development (Article 6)
7. Short-term rental, except in cluster development
8. Use accessory to permitted use

Allowed by Special Exception (See Section 104, Uses as Defined)

1. Two-family dwelling
2. Two-family dwelling with a single attached accessory dwelling unit
3. 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
4. Multifamily dwelling (Article 14)
5. Schools -- public and private
6. Parks and playgrounds
7. Churches
8. Essential services
9. Outdoor recreational facilities (Article 7)
10. Motels, hotels and tourist homes (Article 8)
11. Restaurants
12. Community buildings

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- 13. Water recreation & water storage facilities (Article 9)
- 14. Medical clinics, hospitals, and rest homes
- 15. Private cemeteries
- 16. Home occupations (Article 10)
- 17. Light commercial (Article 11)
- 18. Forestry
- 19. Agriculture
- 20. Event venue

Area and Dimensions

Minimum Lot Size:	2.0 Acres *
Minimum Road Frontage:	200 Feet
Minimum Front Yard:	75 Feet from the center line of the road
Minimum Side Yard:	25 Feet
Minimum Rear Yard:	25 Feet

*Minimum lot size for all uses except Multifamily Dwellings, Motels, Hotels, Tourist Homes and Cluster Developments. For Multifamily Dwellings, see Article 14 for additional dimensional requirements. For Cluster Developments, refer to Article 6 for dimensional requirements.

See definitions or referenced article for additional information or provisions.

Section 304.2 Rural Residential, One

Table 304.2
"RR 1" Rural Residence, One

Objective:

Within the community, there are certain areas which although not as close to community services such as fire and police protection are still accessible with relative ease. The roads in this area may not, however, lend themselves to heavy use. As a result, it is desirable to keep this area primarily residential in nature. Along with rural residential use, other prime uses of the area are forestry and agriculture. In addition, as a Special Exception certain other uses which are desirable in a rural area are provided for.

Uses:

Permitted Uses (See Section 104, Uses as Defined)

1. Single-family dwelling with or without a single accessory dwelling unit
2. Two-family dwelling conversion
3. Manufactured homes (Article 12)
4. Agriculture
5. Forestry
6. Conservation area
7. Municipal buildings and services
8. Cluster development (Article 6)
9. Short-term rental, except in cluster development
10. Use accessory to permitted use

Allowed by Special Exception (See Section 104, Uses as Defined)

1. Two-family dwelling
2. Two-family dwelling with a single attached accessory dwelling unit
3. 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
4. Multifamily dwelling (Article 14)
5. Schools - private
6. Parks and- playgrounds
7. Churches
8. Essential services
9. Outdoor recreational facilities (Article 7)
10. Tourist homes (Article 8)
11. Water recreation & water storage facilities (Article 9)
12. Home occupations (Article 10)
13. Light commercial (Article 11)
14. Private cemeteries
15. Event venue

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Area and Dimensions

Minimum Lot Size:	3.0 Acres *
Minimum Road Frontage:	200 Feet
Minimum Front Yard:	75 Feet from the center line of the road
Minimum Side Yard:	25 Feet
Minimum Rear Yard:	25 Feet

* Minimum for all uses except Multifamily Dwellings and Cluster Developments. For Multifamily Dwellings, see Article 14 for additional dimensional requirements. For Cluster Developments, refer to Article 6 for dimensional requirements.

See definitions or referenced article for additional information or provisions.

Section 304.3 Rural Residential, Two

Table 304.3
"RR2" Rural Residence, Two

Objective:

The Rural Residence, Two District is made up of those areas within the town where access is relatively difficult. These areas are remote from the developed area and services of the town and are, in general, not served by any roads. With large undeveloped tracts of land, this area of town lends itself well to agriculture and forestry. Also provided for are other uses which are desirable in a remote rural area with limited access.

Uses:

Permitted Uses (See Section 104, Uses as Defined)

1. Single-family dwelling with or without a single accessory dwelling unit
2. Manufactured homes (Article 12)
3. Agriculture
4. Forestry
5. Conservation area
6. Municipal services and buildings
7. Short-term rental
8. Use accessory to permitted use

Allowed by Special Exception (See Section 104, Uses as Defined)

1. Essential services
2. Outdoor recreational facilities (Article 7)
3. Water recreation & water storage facilities (Article 9)
4. Private cemeteries
5. Home occupations (Article 10)

Area and Dimensions

Minimum Lot Size:	5.0 Acres
Minimum Road Frontage:	200 Feet
Minimum Front Yard:	75 Feet from the center line of the road
Minimum Side Yard:	25 Feet
Minimum Rear Yard:	25 Feet

See Definitions or referenced article for additional information or provisions.

Section 304.4 Shorefront District

Table 304.4
“SF” Shorefront District

Objective:

Most of the land immediately adjacent to Sugar Hill's lakes, ponds and rivers is overlaid by soil types which are characterized by erosion and drainage hazards. These lands require conservation and land management practices which minimize environmental and aesthetic degradation.

The following restrictions are applicable to land within the designated Shorefront District. They are designed to protect and enhance water quality, prevent overcrowding of shore land in the interest of public health and safety and to preserve the natural beauty and wildlife habitat of the waterfront areas in the Town.

Location of the Shorefront District:

The Shorefront District is an environmental overlay district superimposed over the zoning districts shown on the Zoning Map. This overlay district extends from the normal high water level on all lakes and ponds over ten (10) acres and the Gale River to a point 150 feet inland.

Uses:

Permitted Uses (See Section 104, Use of Definitions)

1. Outdoor recreational facilities
2. Accessory uses such as a beach, dock, and driveway (provided that any and all necessary federal, state, and local permits have first been obtained)

Allowed By Special Exception

1. Shorefront common area
2. Erosion control
3. Cutting & removal of trees and natural vegetation
4. Use accessory to Special Exception

Area And Dimensions

Minimum lot size:	Same as underlying district
Minimum road frontage:	Same as underlying district
Minimum shore frontage (if applicable):	200 Feet
Minimum front yard:	Same as underlying district
Minimum side yard:	Same as underlying district
Minimum rear yard (from normal high water level):	75 Feet

Leach field
(from normal high water level): 125 Feet
Driveway
(from normal high water level): 75 Feet

Section 304.5 Shorefront District-Other Requirements

Shorefront Common Areas-Special Exception Standards

In some subdivisions, it may be desirable to provide for access to waters bordered by the Shorefront District via a lot which is shared in common by all of the lots in the subdivision. In such an instance, the following standards shall apply:

- A. Minimum shore frontage shall be 200 feet plus 20 feet for each additional lot sharing common ownership.
- B. Off-street parking shall be provided on the common lot at the rate of one space for each lot sharing common ownership.
- C. For common areas shared by 20 or more lots, toilet facilities shall be provided complete with a sewage disposal system approved by NH Department of Environmental Services.

Section 305 Permitted Uses

Permitted Uses are ONLY those uses that are specifically LISTED UNDER PERMITTED USES IN TABLES 304.1 THROUGH 304.4, AND are allowed only provided the standards established within this Ordinance are met. Unless a Variance, a Special Exception, or action on an appeal from an administrative decision is required, the necessary permit may be issued by the Zoning Officer. Permitted uses are subject to Article 4, "General Provisions."

Section 306 Special Exceptions

Certain uses of land and buildings may be allowed as a Special Exception only by approval of the Board of Adjustment, if general and specific standards contained in this Ordinance are complied with. Before allowing such Special Exception, the Board of Adjustment shall first determine that the proposed use will conform to the following standards:

306.1 Such proposed Special Exception use shall not adversely affect:

- A. The character of the area in which the proposed use will be placed.
- B. The highways and sidewalks or use thereof located in the area.
- C. Town Services and facilities.

306.2 Such Proposed Special Exception use shall comply with all other applicable specific standards in this Ordinance.

306.3 If the Board of Adjustment approves an application for a Special Exception, it shall impose relevant conditions as it finds reasonable and appropriate to safeguard the neighborhood or otherwise serve the purposes of this Ordinance, including, but not limited to, the following:

- A. Yards larger in area or in any specified dimension than those required by the ordinance.
- B. Screening of all or part of the premises of the proposed use by walls, fencing or planting.
- C. Modification of the design of any building involved in the proposed use.
- D. Parking facilities greater than those otherwise required under this Ordinance.
- E. Limitation of the number of occupants or employees upon the premises, and restrictions of the method and/or time of occupation and use, and of the size or extent of facilities.
- F. Limitations upon the size, location, and/or lighting of signs more restrictive than otherwise imposed by this Ordinance, including the prohibition of signs where, in

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the opinion of the Board, their display would be contrary to the purposes of the Ordinance.

Section 307 Lots

307.1 Lots which abut on more than one public street shall provide 200 feet of continuous road frontage on Town roads or private roads that meet Town specifications. Lots with a private right-of-way created by subdivision shall have the required frontage on said right of-way. Further, said right-of-way shall conform in size and dimensions to the requirements then in effect in the Sugar Hill Subdivision Regulations. In the case of a right-of-way serving a single lot, the road construction standards shall be waived provided that all other standards for said right-of-way in terms of size, location, and frontage are met.

307.2 All structures, except signs, mailboxes, and fences as provided in Article 13, whether attached to the principal structure or not, and, whether open or enclosed, including porches, carports, balconies, or platforms above normal grade level, shall not project into any minimum front, side, or rear yard.

307.3 The street giving access to any lot shall be as follows:

- A. Shall have been accepted or opened or shall otherwise have received the legal status of a Class V or better highway; or
- B. Corresponds in its location and lines with a street on a subdivision plat approved by the Planning Board. This includes a street which is a private road; or
- C. A Class VI Highway, provided that the requirements as contained in RSA 674:41 as it may be amended from time to time or such similar statutes are complied with. A lot which has access to a street as described above by means of a private right-of-way which is appurtenant to the lot shall satisfy the requirements herein.

Section 308 Dimensional Requirements

The following dimensional standards shall apply:

308.1 Minimum Road Frontage

- A. For any use the minimum road frontage shall be as specified in Section 304.
- B. No building housing a main use, nor any part of such a building shall be erected on any lot which has a frontage on any street less than that specified in Section 304.

308.2 Front Yard

- A. Any lot line contiguous to a street is deemed to be a front line. A lot bordering on two streets shall be deemed to have two front lot lines and two side lines. A lot

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bordering on three streets shall be deemed to have three front lines and one side line.

- B. No structure, except signs, mailboxes, and fences as provided in Article 13, may be erected closer to a front lot line than the minimum provided in Section 304.
- C. No accessory building may occupy any part of a front yard.
- D. Measurement of Front Yard. Notwithstanding provisions for front yards elsewhere in this Ordinance, on streets with less than a 50 foot rights-of-way, the front yard requirement shall be measured from the center line of the existing roadway and shall be a minimum of 75 feet. In all other cases the front requirement shall be measured from the existing right-of-way.

308.3 Side Yard

No structure, except signs, mailboxes, and fences as provided in Article 13 may be erected closer to a side lot line than the minimum specified in Section 304.

308.4 Rear Yard

No structure, except signs, mailboxes, and fences as provided in Article 13, may be erected closer to a rear lot line than the minimum specified in Section 304.

308.5 Height Restrictions

- A. The height of any building shall be measured from the average finished grade. In no instance shall a building be more than thirty-five (35) feet above said average grade.
- B. Flagpoles are excepted from the above height restriction.
- C. Chimneys, spires, lightning rods, or like structures not used for human occupancy may exceed the height restriction on the building of main use.
- D. Radio, TV antennae, or satellite dish antenna systems for private, non-commercial reception may extend above the height limit and may be located on the roof or in the rear of the building of main use but may not be located in a required front, side, or rear yard (See Section 304 for lot and yard dimensions).

Section 309 Performance Standards

The following performance standards, together with all applicable state and federal standards, shall be met. No use is permitted which would constitute a nuisance. Many types of nuisances, if left uncorrected, may become a public health threat. A nuisance is defined to mean any condition, activity, situation or use of premises vacant lot, or of buildings which is detrimental to

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the property of others or which causes or tends to cause substantial diminution in the value of other property in the neighborhood, even if only to interfere with panoramic view, in which such premises are located; or which may cause or result in annoyance or disturbance to persons beyond the boundaries of such property; or which may cause interference with the health and/or safety of a person beyond the boundaries of such property; or which disturbs the peaceful use of the property of others in the Town of Sugar Hill. In all cases, the enforcing official shall take into consideration the location of the use or condition and the nature and condition of the surrounding neighborhood. Complaints under this Section 309 must include the exact location and type of nuisance in order to allow a thorough investigation.

The standards listed in this Section 309 are not an exclusive list; any other activity or use which is not listed but which constitutes a nuisance is likewise prohibited. No use, regardless of whether it requires a land use permit, shall in the course of normal operation:

1. Noise: All activities shall comply with the Town of Sugar Hill Noise Ordinance, as amended.
2. Odor: Emit any odor which is injurious to the health and safety of persons in the adjoining area or deprives a person of the reasonable use of his property.
3. Dust or Dirt: Emit any dust or dirt which is injurious to the health and safety of persons in the adjoining area or deprives a person of the reasonable use of his property.
4. Smoke: Emit any smoke in excess of the Ringlemann Chart No. 2.
5. Noxious Gases: Emit any noxious gases which endanger the health, comfort, safety or welfare of any person, or which have a tendency to cause injury or damage to property, business, or vegetation.
6. Vibration: Cause a vibration which creates a displacement of 0.002 of one inch.
7. Vision Impairment: Lighting or signs which create glare which could impair the vision of a driver of any motor vehicle or result in an unreasonable intrusion on adjoining property which deprives the owner thereof of its reasonable use.
8. Junk and Other Accumulations: Retain, collect, place or permit to be placed on the property any of the following: junk; trash; yard waste; garbage; construction debris or rubble; building or earthen materials; abandoned, discarded or unused objects or equipment such as but not limited to automobiles, furniture, paper, cardboard, plastic, glass, crockery, scrap metal, tires, stoves, refrigerators, freezers, cans or containers.
9. Stagnant Water: Create or permit to continue to exist abandoned or unused swimming pools or other catchment areas with stagnant water which may provide a breeding area for mosquitoes.

10. Sewage and Other Material: Apply or permit to be applied to the property biosolids (also known as sewage sludge); allow improper discharges from septic systems, holding tanks, sinks, or other types of drains.

Section 310 Exterior Lighting

Exterior lighting in conjunction with any use shall be installed and operated in such a way that provisions are made in directing the lighting, screening, or other means so that adjacent residential uses shall be suitably protected. In any proposed use with unusual lighting requirements, the owner shall be required to present a plan for protecting the adjacent area to the Zoning Officer or the Board of Adjustment for approval prior to installing said lighting.

Section 311 Accessory Uses

311.1 Accessory uses are uses subordinate to and customarily incidental to the main (primary) use and shall include but not be limited to the following:

- A. Garage or parking space for occupants and visitors provided that the garage area not exceed 10 percent of the lot area or 50 percent of the dwelling area whichever is smaller.
- B. The outdoor parking of not more than one vehicle maintained primarily for hire. Such vehicle to be parked in the side or rear yard. Such vehicle may not be parked if it exceeds ten (10) feet in height.
- C. The outdoor storage or parking of major recreational equipment including travel trailers, pick-up coaches, motor homes, boats and boat trailers, snowmobiles, OHRVs, or similar equipment provided said equipment is parked or stored in the side or rear yard, does not exceed ten (10) feet in height, and is not used for living, sleeping, housekeeping, or business purposes while parked or stored on the premises.
- D. The raising of domestic animals, not for gainful business.
- E. Home recreational activities, including tennis courts, swimming pools, patios, and the like.
- F. Fences and mailboxes provided that they meet the provisions of Article 13.

311.2 Except as provided in Section 402 below, only one main (primary) use with its incidental accessory use(s) or building(s) shall be allowed on a single lot.

311.3 No accessory buildings or structures, except mailboxes, fences, and signs as provided in Article 13, may project into the required front, side and rear yards.

Section 312 Application of District Regulations

312.1 Any legal non-conforming use or legal non-conforming building existing on the effective date of this Ordinance may be continued to the extent permitted under New Hampshire law and subject to the requirements of Article 5 of this Ordinance. Otherwise, no building or land shall hereafter be used or occupied and no building or part thereof shall be erected, moved or altered unless in conformity with the requirements of this Ordinance.

312.2 Any lot of record existing at the effective date of this Ordinance may be used for the erection of a structure conforming to the use regulations for the district in which it is located as long as the area and dimensions of such lot conform to the minimum requirements of this Ordinance.

ARTICLE 4 GENERAL PROVISIONS

The following shall apply to all districts except where listed.

Section 401 Lots In Two Zoning Districts

Where a district boundary line divides a lot of record at the time such line is adopted, a use allowed in the less restricted part of such lot shall be allowed provided that such use does not extend more than thirty feet into the more restricted part and that the lot has frontage on a street in the less restricted district. If either of these provisions is not met, the lot shall be governed by the provisions for the more restricted district.

Section 402 Principal Buildings On Lots

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, or 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.

Section 403 Reduction of Lot Area

When property is subdivided into lots, no lot shall be so reduced in area that the area, yards, frontage, or other requirements of this Ordinance shall be smaller than herein prescribed for each district, except as set forth below. The provisions of this section shall not apply when a portion of a lot is taken for a public purpose.

403.1 When a parcel of land in any district cannot be divided into two (2) lots complying with minimum lot size for the district, then there can be a subdivision into not more than two (2) lots subject to the following:

- A. One lot shall meet the minimum lot size for the district.
- B. The remaining lot shall be limited to the following uses: Home Recreational Facilities (Section 703); Swimming Pool (Section 902); Gardens or Woodlots included within the definition of Farm, Agriculture, Farming and Forestry (Section 1702); and a Parking Area.
- C. Such remaining lot shall not be used for any main land use, including but not limited to no dwelling unit of any kind; no residential use; no commercial use; no light industry; and no Special Exception, except for a use described in subsection B above.

Section 404 Reserved

Section 405 Projection In Yards

Every part of a required yard shall be free of all structures from grade level to the sky. Signs, fences, and mailboxes as provided in Article 13, are excepted from this requirement.

Section 406 Location of Driveways

All driveways that intersect a Town highway must be approved by the Planning Board or its agent as provided in RSA 236:13 as amended or such similar statute. If the driveway intersects a state highway, then a permit must be obtained from the New Hampshire Department of Transportation as provided by law.

Section 407 Abandonment of Structures

407.1 Within six months after work on excavation for a building has begun, the excavation thus remaining shall be covered such as with building construction or filled to normal grade by owner and piles of unused or excess excavated material are to be removed.

407.2 Within six months after a permanent or temporary building or structure has been destroyed, demolished or abandoned, all structural materials shall be removed from the site and the excavation thus remaining shall be covered over as with building construction or filled to normal grade by the owner.

407.3 No structure in the process of completion or demolition and no ruins from fire or other casualty shall be abandoned in a hazardous or disorderly state. Such structure shall be considered to be abandoned when work to remedy the improper condition shall not have been initiated within 90 days of the occasion of the casualty, or if initiated work shall have been discontinued with the owner's consent for 30 or more consecutive days or for more than 30 out of 60 days.

Section 408 Obstruction Of Vision

On a corner lot regardless of the district, within the triangular area formed by the intersection of two street property lines and a third line joining them at points twenty-five (25) feet from said intersection, there shall be no obstruction to vision between the height of two-and-one-half (2 1/2) feet and ten (10) feet above average grade of each street.

Section 409 Temporary Uses And Structures

Temporary permits may be issued by the Zoning Officer for a period not to exceed six (6) months for the following uses and structures; namely, trailers or portable structures used for office, storage and locker purposes incidental to construction projects on the condition that the owner shall agree in writing to remove the structure or use upon expiration of the permit and further, that the structure shall not be used as a dwelling. Such permits may be renewed upon application for an additional six (6) month period(s) as long as construction is still active.

Section 410 Removal Of Natural Material

In any district the removal of earth, meaning sand, gravel, rock, soil or construction aggregate, shall comply with the requirements and a permit shall be obtained as provided in RSA Chapter 155-E as amended or such similar statute.

Section 411 Certificate of Occupancy and Use

No new building or new portion of an existing building shall be occupied except for construction purposes nor any new use undertaken until such time as a Certificate of Occupancy and Use has been granted by the Zoning Officer. Such certificate shall not be granted until such time as ALL of the conditions and terms of the Building Permit and/or permission for use have been met.

Section 412 Site Plan Review

Any proposed new or expanded nonresidential use, residential dwelling containing three or more dwelling units, or a change in use may be subject to the Sugar Hill Planning Board Site Plan Review Regulations. No Zoning Permit or Building Permit may be issued if such proposed new use requires site plan approval, until such approval has been granted.

Section 413 Septic System Requirements for Increasing the Number of Bedrooms in an Existing Dwelling Unit, Change from Seasonal Occupancy to Full Time Occupancy or Increasing Load on Existing Septic System

The expansion of any dwelling unit to increase the number of bedrooms or a change in occupying any dwelling unit from seasonal to a full-time basis, or the expansion of any structure which would increase the load on an existing sewage disposal system, in all districts, shall comply with the following.

- A. The landowner shall comply with RSA 485-A:38 "Approval to Increase Load on a Sewage Disposal System." The landowner shall submit an application for approval of the sewage disposal system to the NH Department of Environmental Services and shall obtain operating approval; and
- B. The landowner shall obtain a Zoning Permit under Section 1801; and
- C. The landowner shall obtain a Building Permit under Section 1802.

ARTICLE 5 NON-CONFORMING USES AND STRUCTURES

Section 501 Existing Use

Any lawful structure or use of a building in existence at the time of the adoption of this Ordinance, or of any amendment hereto, may be continued although such structure or use does not comply with the provisions of this Ordinance. Such structures shall be known as "Non-Conforming Structures" and such uses as "Non-Conforming Uses."

Section 502 Change or Expansion of Non-Conforming Use or Non-Conforming Structures

No non-conforming use shall be changed to another non-conforming use. Nor shall it be enlarged or extended by more than 20% of the extent of use existing as of the time of the adoption of this Ordinance and only if said use would be a Permitted use or a Special Exception use in another district. No non-conforming structure shall be enlarged or extended by more than 20% of its size or floor space existing at the time of the adoption of the Ordinance. In case of dimensional non-conformance, no non-conforming section of the structure shall be enlarged or expanded by more than 20% of its size or floor space existing at the time of the adoption of this Ordinance. Any non-conforming dimensional addition may not further infringe on lot line setbacks as defined in the current Zoning Ordinance. (added 2001)

Section 503 Change of Non-Conforming Use

If a non-conforming use is changed to a conforming use and continued for a period of four (4) months or more, such change shall constitute the abandonment of the prior non-conforming use.

Section 504 Abandonment of Non-Conforming Use

A non-conforming use shall be presumed to be abandoned if the use has been discontinued for a period of two years or more. A determination shall in the first instance be made by the Zoning Officer, and any person aggrieved may appeal that decision to the Zoning Board of Adjustment.

Section 505 Damage to a Non-Conforming Structure

If a non-conforming structure is damaged by fire, explosion or other catastrophe, the Zoning Officer may issue a Zoning Permit for the rebuilding and restoration of such building which may not be greater in size or floor space and in the original location of the original structure except as provided in Section 502. Application for a Building Permit to restore the structure must occur within two years of the date of damage. Otherwise the non-conforming use shall be presumed to have been abandoned.

Section 506 Damage to a Non-Conforming Use

If a building housing a non-conforming use is damaged by fire, explosion or other catastrophe, the Zoning Officer may issue a Zoning Permit for the rebuilding and restoration of such building which may not be greater in size or floor space than the original structure except as provided in Section 502. Application for a Building Permit to restore the structure must occur within two years of the date of damage. Otherwise, the non-conforming use shall be presumed to have been abandoned.

Section 507 Construction Approved Prior To Adoption

Nothing contained herein shall require any change in plans, construction, or designated use of a building for which a Building Permit has been heretofore issued provided such building or structure conforms to the terms of its Building Permit.

ARTICLE 6 CLUSTER DEVELOPMENT

Section 601 Intent

Cluster 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 Development is a Permitted use as listed in the tables for each of the districts. As a Cluster Development is a subdivision, the review of the proposed Cluster Development is by the Planning Board as provided in the Subdivision Regulations for the Town of Sugar Hill. The Zoning Officer may issue a Zoning Permit for a Cluster Development only after the Subdivision has been approved by the Planning Board.

Section 603 Layout

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.

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.

ARTICLE 7 OUTDOOR RECREATIONAL FACILITIES

Section 701 Intent

Outdoor Recreational Facilities are allowed by Special Exception in all districts in order to promote a diversity of recreational options for both residents and the tourist population upon whom the Town's economy is so heavily dependent. At the same time, it is desirable to protect and maintain the quiet, residential nature of the town.

Section 702 Requirements

Outdoor Recreational Facilities may be allowed by Special Exception in all districts provided that the following conditions are met:

702.1 The use shall not generate unreasonable effects from traffic, parking, noise, vibration, glare, fumes, odors, or electrical interference and shall be non-polluting in terms of air, water and soil. See Section 309 for Performance Standards.

702.2 No structures shall be allowed as part of the facility except playing surfaces, maintenance buildings, locker rooms or restrooms.

702.3 The use shall make only incidental use of motor driven equipment, lights, and noise generating or amplifying equipment.

702.4 There shall be only one on-premise sign subject to all of the provisions contained in Article 13 of this Ordinance.

702.5 The Board of Adjustment may limit the hours of the use if it significantly affects the character of the neighborhood.

702.6 There shall be adequate off-street parking for customers and employees. The use must meet all of the requirements for same as specified in Article 16 of this Ordinance.

Section 703 Home Recreational Facilities

Recreational facilities which are for private use as an accessory use to a residential dwelling are exempted from the requirements of this article.

ARTICLE 8 HOTELS, MOTELS, INNS AND TOURIST HOMES

Section 801 Intent

In order to provide for the many travelers who make their way through the town, lodging facilities of various types are allowed.

Section 802 Requirements

Lodging Facilities may be allowed as a Special Exception in the General Residential and Rural Residential One Districts provided that the following conditions are met:

802.1 If the use is to be located in the RR1 District, only Tourist Homes may be allowed (see definition).

802.2 Except in the case of Tourist Homes (see definition), the minimum lot area shall be equal to the minimum lot area for the district plus the number of lodging units multiplied by 0.5. This restriction shall supersede the provision for minimum area contained in Section 304.1.

802.3 Adequate off-street parking facilities must be provided as required under the provisions of Article 16 of this Ordinance.

802.4 Only one on-premise sign shall be allowed as provided in Article 13 of this Ordinance.

ARTICLE 9 WATER RECREATION AND STORAGE FACILITIES

Section 901 Standards

Any facility for the storage of water including public swimming pools, man-made or improved ponds, reservoirs and fish hatcheries shall be allowed by the Board of Adjustment provided that such facility comply with the following standards:

901.1 The facility shall be of adequate size for such use.

901.2 The facility shall be enclosed by a fence of at least four (4) feet in height and adequate to prevent uncontrolled access by small children. This condition may be waived by the Board of Adjustment if, in their estimation, the facility poses no particular threat to health and safety.

Section 902 Private Swimming Pools

Private swimming pools which are an accessory use to a single family dwelling are expressly exempted from the requirement of a Special Exception. Fencing to control access may be required by the Zoning Officer as a condition for granting the Building Permit.

ARTICLE 10 HOME OCCUPATIONS

Section 1001 Purpose

Home Occupations may be allowed as a Special Exception by the Board of Adjustment in order to provide diversity in the employment available to Town residents, to support the variety of uses characteristic of small towns, and allow for reasonable growth. At the same time, the Ordinance intends to ensure that the quiet, uncrowded and scenic features of the town are preserved, that neighborhood character is maintained and that any nuisance to neighborhood residents is minimized.

Section 1002 Standards

The following standards further define acceptable Home Occupations, and are intended to ensure compatibility with other Permitted uses, and to make clear that the Home Occupation is to be an accessory use to the primarily residential use of the main building.

1002.1 There shall be no exterior evidence of the conduct of a Home Occupation, except where other standards allow. The principal character of residential use shall not be changed by the Home Occupation.

1002.2 Except for the production of greenhouse crops, or growing of any agricultural, floricultural, viticultural, or horticultural crops, a Home Occupation shall be conducted only within the enclosed living area of the dwelling unit or within an accessory structure, limited in area by the following:

- A. The Home Occupation located in a dwelling unit shall not occupy more than 25 percent of the gross floor area of the dwelling unit.
- B. The Home Occupation to be located within an accessory structure shall occupy no more than 50 percent of the combined gross floor area of the main dwelling unit and accessory structure.
- C. The percent of gross floor area occupied may be increased by the Board of Adjustment for accessory structures which exist on the effective date of this Ordinance.

1002.3 The Home Occupation shall be carried on by persons who live in the home full time. Two employees living off the premises are permitted.

1002.4 Adequate off-street parking must be provided for employees, customers and residents. Article 16 of this Ordinance details the requirements for off-street parking.

1002.5 One sign, not to exceed six square feet, shall be allowed for the Home Occupation. This requirement supersedes the provisions for signs contained in Article 13 of this Ordinance.

1002.6 Any outside storage of materials, goods, supplies or equipment related to the home occupation shall be properly screened from abutting properties and roads as determined by the Zoning Board of Adjustment.

Section 1003 Change of Use from One Type of Home Occupation to Another

If a permit is approved by the zoning Board of Adjustment for a particular Home Occupation and subsequently another or additional Home Occupation is desired, there must be an application to the Zoning Board Of Adjustment to amend the original Special Exception permit. All standards listed above shall apply to the new use. In the case where more than one Home Occupation is requested on the same lot, the sum of the existing and proposed Home Occupation use shall not exceed the limits contained in this Article.

No change of use shall commence until such amendment has been approved by the Zoning Board of Adjustment as to employees, floor space and signage.

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 One 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 ensure 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

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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 16 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 1102.9 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 17, are examples of 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 | |

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The following uses, as defined in Article 17, are prohibited in all districts:

- Automobile service stations
- Motor vehicle repair services
- Automobile sales lot for new or used cars
- Trailer sales
- Manufactured home sales
- Funeral home

Section 1103 Change of Use From one Type Of Light Commercial Use To Another

If a permit is approved by the Zoning Board of Adjustment for a particular Light Commercial use and subsequently another additional Light Commercial use that is substantially different is desired, there must be an application to the Zoning Board of Adjustment to amend the original Special Exception permit. All standards above shall apply to the new use. In the case where more than one Light Commercial use is requested on the same lot, the sum of the existing and proposed Light Commercial use shall not exceed the limits in Article 11. No change of use shall commence until such amendment has been approved by the Zoning Board of Adjustment as to employees, floor space and signage.

ARTICLE 12 MANUFACTURED HOMES

Section 1201 Intent

In order to allow for a broad range of housing types within the town, manufactured homes are allowed as a permitted use on individual lots in the Rural Residential One and Two Districts.

Section 1202 Restrictions

The placement of a manufactured home on an individual lot shall in no way be restricted in the Rural Residence One and Two Districts provided that all of the general provisions of this Ordinance including those pertaining to Zoning Permits and Building Permits, and Certificates of Occupancy and Use are met.

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-premises sign, meaning a sign whose message and design relate to an individual business, profession, product, service, event, point of view, or other commercial or non-commercial activity sold, offered, or conducted on the same property where the sign is located. 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 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.

ARTICLE 14 MULTIFAMILY DWELLINGS

Section 1401 Intent

In order to provide for a wide range of housing types for both permanent and seasonal residents of the town, Multifamily Dwellings are allowed by Special Exception in the General Residential and Rural Residential One Districts.

Section 1402 Requirements

A Special Exception for a Multifamily Dwelling may be granted provided that the following conditions are satisfied:

1402.1 The minimum area of the lot is equal to the number of individual single-family units in the building multiplied by the minimum area requirement contained in Sections 304.1 and 304.2. This new minimum area formula shall supersede the requirements for minimum area of Sections 304.1 and 304.2. All other requirements of Sections 304.1 and 304.2 shall remain in force.

1402.2 Only one multifamily building shall be placed on a given lot.

1403.3 Adequate off-street parking shall be provided as specified in Article 16 of this Ordinance.

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.

ARTICLE 14A ACCESSORY DWELLING UNITS

Section 1401A Requirements

Except as otherwise provided elsewhere in this Ordinance, a single-family dwelling 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 conditions below are met.

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

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- 1401A.2 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.3 A permit for a State-approved septic system sufficient to serve both the principal dwelling unit and the Accessory Dwelling Unit shall be obtained before any construction or renovation is begun to add an Accessory Dwelling Unit.
- 1401A.4 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 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

Section 1402A Additional Requirements

- 1402A.1 The property owner must occupy either the primary dwelling unit or the Accessory Dwelling Unit as his/her principal 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.

ARTICLE 15 SHORT-TERM RENTALS

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

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- 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.

ARTICLE 16 OFF-STREET PARKING REQUIREMENTS

Section 1601 Intent

To ensure the free movement of ordinary public and private traffic in the street at all times, to reduce congestion in the streets and to permit the rapid but safe passage of fire-fighting equipment, as well as other emergency vehicles of all sorts, to facilitate the maneuvering of public emergency equipment in the streets, to facilitate the removal of snow, and for all similar related purposes it is declared to be the intent of this article that all structures and land uses be provided with sufficient off-street parking space to meet the parking needs of all persons making use of the premises.

Section 1602 Required Spaces to be Shown on Plan

No Zoning Permit shall be issued for the erection of a new building, the expansion of an existing building, the change of use of any existing building, or the development or expansion of a land use, unless the plans show the location and size of the off-street parking space required to comply with the regulations as set forth in Section 1604, and the means of access to such space from public streets. In considering any such plans submitted for approval, the Zoning Officer shall take into account the safety of the proposed parking area in relation to traffic on the public right-of-way as well as the safety and adequacy of the area itself with respect to the vehicles and pedestrians making use of it.

Section 1603 Existing Structures And Uses

The off-street parking requirements as set forth in Section 1604 shall apply to all buildings and land uses except those:

- A. In existence at the effective date of this Ordinance;
- B. Or, for which Building Permits have been granted by the effective date of this Ordinance.

This provision shall apply as long as no change, addition, or modification of the building or use referenced above is made. At the time of the application for change, addition, or modification of the building or use exempted above, said exemption shall no longer be in force and the requirements of Section 1604 shall apply.

Section 1604 Schedule of Requirements

1604.1 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>
Residential	2 per unit, except 1 for accessory dwelling unit.
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.

1604.2 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 1604.1, reasonable and appropriate off-street parking requirements shall be determined by the Planning Board as part of the Site Plan Review process.

Section 1605 **Location of Off-Street Parking Facilities**

Required off-street parking facilities shall be provided on the same lot or-premises with the building or land they serve. In addition, they shall meet all local and state requirements regarding the location and placement of driveways.

Section 1606 **Parking Space Dimensions**

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

ARTICLE 17 **DEFINITIONS**

Section 1701 **Word Definitions**

The word person includes a firm, association, organization, partnership, trust, company, or corporation as well as an individual.

The present tense includes the future tense, the singular number includes the plural, and the plural number includes the singular.

The word shall or will is mandatory; the word may is permissively.

The words used or occupied include the words intended, or arranged to be used or occupied.

Section 1702 **Term & Use Definitions**

Accessory Building or Use: A building or use subordinate and customarily incidental to the main building or use on the same lot. The term "accessory building" when used in conjunction with a farm, shall include all buildings customarily used for farm purposes.

Agriculture: See Farm.

Airport: A place which is maintained for the landing and takeoff of aircraft. Shall include public and private heliports. This use is not allowed in any district.

Animal Hospital: A facility for the medical care of animals. For the purpose of this Ordinance, such facility shall be considered a Light Commercial Use and is allowed by Special Exception in the General Residential and Rural Residential, One districts.

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Automobile Service Station: A facility for selling fuel, repairing and maintaining the automobiles of others. This use is prohibited in all districts. The maintenance and repair of one's own vehicle on one's property is allowed as an accessory use provided that the main use of the property is allowed under the terms of this Ordinance.

Automobile Sales Lot: A facility for the regular display and sales of automobiles, trucks, and heavy motorized equipment. This use is prohibited in all districts. An individual may sell his own vehicle from his property provided that no more than one vehicle at a time is available for sale.

Building: A constructed unit forming a shelter for persons, animals, or property and having a roof and being permanently located on the land. where the context allows, the word "building" shall be construed as though followed by the words "or part thereof."

Building Height: Vertical distance measured from the average elevation of the proposed finished grade to the highest point of the roof.

Camping Trailer: A non-self-propelled structure mounted on wheels, requiring for occupancy the unfolding or erection of articulated parts, and designed for travel, recreation, and vacation use.

Campground: An area or place where tents, camping trailers, recreational vehicles and the like are placed for the purpose of providing temporary shelter. This use is prohibited in all districts.

Cemetery, Private: A place where human remains are buried which is maintained by a private individual or group. May be allowed as a Special Exception in all districts.

Cemetery, Public: A place where human remains are buried which is maintained by the Town of Sugar Hill. Permitted in all districts as a municipal service.

Child Care Center: A facility for providing day care for young children. May be allowed as a Home Occupation by Special Exception in any district.

Church: A place of public worship. Allowed by Special Exception in the General Residential and Rural Residential, One districts.

Clinic: An office building used by members of the medical professions for the diagnosis and outpatient treatment of human ailments. Allowed by Special Exception in the General Residential District.

Cluster Development: A purely residential subdivision of a tract where, instead of subdividing the entire tract into house lots of conventional size, a similar number of single family dwelling units may be clustered on lots of reduced dimensions. The remaining land in the tract which has not been built upon is reserved as open space. Allowed in the General Residential and Rural Residential, One districts. (See Article 6.)

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Community Building: A structure owned and/or maintained by a recognized Sugar Hill organization for use by the community. Such use shall be permitted as a Special Exception in the General Residential District provided that its use does not conflict with the intent of this Ordinance.

Complying Structure: A structure or part thereof which is in compliance with the Zoning Ordinance provisions covering bulk dimensions, height, area, yards, density, off-street parking requirements and use.

Conforming Use: A use that does conform to the use regulations for the district in which it is located.

Conservation: A careful preservation and protection; planned management of a natural resource to prevent exploitation, destruction, or neglect.

Conservation Area: An area or tract set aside in its natural state to remain preserved as is for future generations. Allowed in all districts.

Drive-In Restaurant: Any place or premises used for the sale, dispensing of serving of prepared food, refreshments or beverages to patrons in automobiles for consumption outside of the place or premises. Not allowed in any district.

Dwelling, Multifamily: A residential building designed for and occupied by three 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, Single-Family: A detached residential dwelling unit other than a manufactured home, designed for and occupied by one family only. Allowed in all 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.

Dwelling Unit: A room, or rooms connected together, constituting a separate, independent housekeeping establishment for owner occupancy, rental or lease, and physically separated from any other rooms which may be in the same structure, and containing independent cooking, sanitary and sleeping facilities. It shall include prefabricated and modular units, provided these units meet the standards of the building code then in force but shall not include manufactured homes, motel, hotel, tourist home, or similar structures.

Essential Services: The erection, construction or major alteration by public utilities or governmental agencies other than the municipal government of underground or overhead electrical, gas, phone, cable, internet, sewer, steam, or water transmission or distribution systems, including poles, wires, mains, drains, sewers, pipes, conduit cables, and similar equipment and

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accessories in connection therewith, and including buildings reasonably necessary for the furnishing of adequate service by such public service or other governmental agency or for the public health and safety or general welfare. For the purposes of the ordinance, essential services shall not include the replacement of facilities (other than buildings) or minor re-locations or minor additions such as street lights, hydrants, wire, fire alarm boxes or pipe. Allowed in all Districts by Special Exception.

Event Venue: Commercial use of a structure or land, as a place of assembly, for public events such as weddings, performances, cultural gatherings, and other occasions. Allowed in General Residential District and Rural Residential 1 by Special Exception and with required site plan review.

Family, related: Any number of persons related by blood, marriage or adoption.

Family, unrelated: Any number of persons not related by blood or marriage living together as a single non-profit housekeeping unit. The number of unrelated family members shall be limited by the number of bedrooms contained in the dwelling unit. There shall be one bedroom for the first two persons and one bedroom for each additional person. There shall be two parking spaces for the first two persons, and one space for each additional person thereafter. Where there are more than four persons living together as an unrelated family, there must be established to the satisfaction of the Zoning Officer that the septic system and water system is capable of handling more than four persons.

Farm, Agriculture, Farming: The word “farm” shall mean any land or building or structures on or in which agriculture and farming operations are carried on and shall include the residence or residences of owners, occupants, or employees located on such land. The words “agriculture” and “farming” shall mean all operations of a farm such as the cultivation, conserving, and tillage of the soil, dairying, greenhouse operations, the production, cultivation, growing and harvesting of any agricultural, floricultural, sod or horticultural commodities, the raising of livestock, bees, fur-bearing animals, fresh water fish or poultry or any practices on the farm as an incident to or in conjunction with such farming operations including, but not necessarily restricted to, the following: preparation for market, delivery to storage or to market, or to carriers for transportation to market, of any products or materials from the farm; the transportation to the farm of supplies and materials; the transportation of farm workers; forestry or lumbering operations; the marketing or selling at wholesale or retail or in any other manner any products from the farm and of other supplies that do not exceed in average yearly dollar volume the value of products from such farm. (RSA 21:34-a)

Allowed in Rural Residential 1 and Rural Residential 2 districts and by Special Exception in the General Residential District. Garden plots of one-half acre or less allowed in all districts.

(For Riding Academies, Indoor Riding Arenas, the hiring of saddle horses and livery stables, see Stables.)

Forestry: The growth and harvesting of forest products excluding clear-cutting. This does not include clearing of trees in conjunction with building development or site improvement or incidental cutting for private use. Allowed use in any district.

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Frontage or Road Frontage: The width of a lot measured along its common boundary with the street line.

Funeral Home: An establishment with facilities for the preparation of the dead for burial or cremation, for the viewing of the body and for funerals. Not an allowed use in any district.

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.

Group Home: See Halfway House.

Halfway House: A center for formerly institutionalized individuals that is designed to facilitate their readjustment to private life. May be allowed as a Special Exception under the medical clinics, hospitals, and rest homes heading in the General Residential District provided that the facility is operated and/or maintained by a recognized agency of the State of New Hampshire.

Home For The Aged: A residential facility designed to provide normal care for the elderly. May be allowed as a Special Exception under the medical clinics, hospitals, and nursing homes heading for the General Residential District.

Home-Occupation: An accessory use of a dwelling unit or of an accessory structure on a residential lot which involves the manufacturing of goods or a service establishment. Allowed by Special Exception in all districts.

Hospital: A place for the diagnosis, treatment and care of human ailments., Allowed in the General Residential District by Special Exception.

Hotel: A building which contains living accommodations and may constitute the temporary abode for a person or persons whose primary residence is elsewhere. This shall include hotel, motel, and inn. There shall be included in this use all uses customarily and historically accessory thereto for the comfort, accommodation and entertainment of guests including the service of alcoholic beverage. Allowed by Special Exception in the General Residential District.

Inn: See Hotel.

Kennel: An establishment for the care, boarding and breeding of dogs. May be allowed as a Light Commercial or Home Occupation by Special Exception. Allowed by Special Exception as a Home Occupation in all districts or as a Light Commercial use in the General Residential and Rural Residential, One districts.

Kindergarten: A school or class for young children. See School. Allowed by Special Exception in the General Residential and Rural Residential, One districts.

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Laboratory: A place equipped for experimental testing in a science or for testing and analysis. May be allowed as a Light Commercial use by Special Exception in the General Residential and Rural Residential, One districts.

Library: A place in which books, manuscripts, musical scores, or other literary and artistic materials are kept for use and only incidentally for sale, operated for non-profit, non-commercial purposes. Allowed as a municipal building in all districts.

Light Commercial: An operation of a commercial nature which includes business and professional offices, retail stores, light assembly and fabricating operations, facilities for the storage of construction equipment and/or building supplies, and service establishments. Allowed by Special Exception in the General Residential and Rural Residential, One districts.

Lodging Facilities: Sleeping facilities with or without cooking facilities. (See specifically Motels, Hotels, and Tourist Homes.)

Lot: A parcel of land of sufficient size to meet minimum zoning requirements for use, coverage, area and to provide such yards and other open spaces as are herein required, and having frontage and access as required by this Ordinance,, provided that in no case of division or combination shall any residual lot or parcel be created which does not meet the requirements of this Ordinance. All lots shown on a subdivision plan which have received final plat approval from the Planning Board shall be separate lots regardless of whether there is separate ownership or common ownership of contiguous lots.

Lot Area: The horizontal area of the lot lying within the lot lines, exclusive of any area in a street.

Lot, Corner: A lot situated at the intersection of and abutting two streets.

Lot of Record: A lot which is part of a subdivision recorded in the office of the Grafton County Registry of Deeds, or a lot or parcel described by metes and bounds, the description of which has been so recorded.

Main Building or Use: A building or use which houses or constitutes the principal activity on the premises.

Manufactured Home: Any structure, transportable in one or more sections, which, in the traveling mode, is 8 body feet or more in width and 40 body feet or more in length, or when erected on site, is 320 square feet or more, and which is built on an permanent chassis and is designed to be used as a dwelling with or without a permanent foundation when connected to required utilities, which include plumbing, heating and electrical heating systems contained therein, conforming to the current United States Department of Housing and Urban Development Mobile Home Construction and Safety Standards (HUD Code) and placed by an installer licensed in the State of New Hampshire. Any such vehicle or structure shall be deemed to be a manufactured home whether or not the wheels have been removed therefrom and whether or not resting upon a temporary or permanent foundation. Parked and unoccupied travel trailers, pick-up coaches, camping trailers, and motor homes are deemed not to be manufactured homes. Manufactured home shall not include

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presite built housing as defined in NH RSA 674:31-a. Sectional homes, modular homes, and prefabricated homes which have no permanent chassis and are not designed to be moved once placed are also not considered manufactured homes. Allowed in the Rural Residential, One and Rural Residential, Two districts.

Motor Home: A portable, temporary dwelling to be used for travel, recreation, and vacation. It shall be construed as an integral part of a self-propelled vehicle.

Municipal Buildings: See municipal services.

Municipal Services: Land and buildings used for the furnishing of services by the Town of Sugar Hill. Shall include cemeteries, meeting halls, and facilities for providing services essential to the community. (Note: Although -the use of land and buildings by the town is not subject to zoning requirements under New Hampshire law, it is the intent of the voters of Sugar Hill to require Town compliance with this Ordinance.) Allowed in all districts.

Museum: A nonprofit, non-commercial establishment operated as a repository of a collection of nature, scientific, historic, or literary curiosities or objects of interests or works of art, not including the regular sale or distribution of the objects collected. Allowed in the General Residential District.

Non-Conforming Structure: A structure which was lawful prior to the adoption of this Ordinance and its amendments which no longer conforms to the regulations of the district in which it is located. This includes both buildings and signs.

Non-Conforming Use: A use which was legal prior to the adoption of this Ordinance and its amendments which does not now conform to the regulations for the district in which it is located.

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

Nursing Home: An establishment where maintenance and personal or nursing care are provided to individuals who are unable to properly care for themselves. May be allowed by Special Exception in the General Residential District.

Office: Place where the business of a commercial, industrial, service, or professional organization is transacted. Allowed by Special Exception as a Light Commercial use in the General Residential and Rural Residential, One districts. Allowed by Special Exception as a Home Occupation in all districts.

Open Space: Those areas within a tract that are to be held or used in common for purposes other than dwelling units or streets.

Outdoor Storage: Storage not in a structure, provided that any storage material other than new equipment, new building material, or other new products displayed for sale shall be screened or fenced.

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

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 feet minimum) together with properly related access to a public street.

Parks and Playgrounds: Land used for outdoor recreation including but not limited to tennis courts, swimming pools, playing fields, equipment for recreational use by children and adults, paths, drives, gardens, area left in a natural state for public use, and other similar uses, owned and operated for non-commercial, non-profit purposes. Buildings may be allowed for the necessary related uses such as rest rooms, maintenance facilities and administration facilities. Allowed by Special Exception in the General Residential and Rural Residential, One districts.

Pick-Up Coach: A constructed unit designed primarily to be mounted on a pick-up or truck chassis and with sufficient equipment to render it suitable as a temporary dwelling for travel, recreation, and vacation uses.

Playgrounds: See parks and playgrounds.

Plat: A map showing proposed layout of streets and lots to scale.

Private Road: A road not maintained by the Town or the State which corresponds in its location and lines with a street on a subdivision plat approved by the Planning Board.

Produce Stand: A structure designed for use in selling flowers, garden supplies, and agricultural produce. Allowed as an accessory use to a lot which is primarily agricultural in nature.

Removal of Natural Material: The removal of loam, sand, gravel, stone or other fill material for sale in commercial quantities.

Residential Use: Includes single-family, two-family and multifamily dwellings and manufactured homes.

Restaurant: Restaurant shall include diner, cafe, and cafeteria and shall not include drive-in restaurants. It shall be an eating establishment which is primarily designed for its patrons to eat at tables, booths, or a counter. Take-out refreshments are only incidental to the main purpose of the establishment as is the serving of alcoholic beverages. Allowed by Special Exception in the General Residential District.

Retail Stores: Includes a shop or store for the sale of retail goods or personal service shop. It shall exclude any drive-in service, free-standing retail stand, gasoline service, motor vehicle repair service, new and used car sales and service and trailer and manufactured home sales and service. Allowed by Special Exception as a Light Commercial use in the General Residential and Rural Residential, One districts. Allowed by Special Exception as a Home Occupation in all districts.

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Roads: See Streets and Private Roads.

School: A facility for teaching. May be allowed in some districts by Special Exception. A public school shall be defined as being supported primarily through municipal taxes. All other schools shall be considered private. Public Schools are allowed by Special Exception in the General Residential District. Private Schools are allowed by Special Exception in the General Residential and Rural Residential, One districts.

Service Establishment: Shall include barber, hairdresser, beauty parlor, shoe repair, photographic studio, contractor and the like. Excluded are gas stations, motor vehicle repair services, sales and service of new or used cars, trailers, or manufactured homes. Allowed by Special Exception as a Light Commercial use in the General Residential and Rural Residential, One districts. Allowed by Special Exception as a Home Occupation in all districts.

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.

Sign: Any structure or part thereof or device attached thereto or painted or represented thereon, which displays or includes any letter, word, model, banner, flag, pennant, insignia, device, or representation used as, or which is in the nature of, an announcement, direction or advertisement. For the purposes of this Ordinance, the word "sign" shall not include street or traffic signs or warnings, or the flag, insignia, or pennant of any nation, group of nations, state, city, or other governmental unit. (See Article 13).

Special Exception: A use of a building or lot or other requirement allowed under this Ordinance only by the issuance of a Special Exception by the Zoning Board Of Adjustment. The landowner has the burden of establishing that the proposed requested Special Exception meets the requirements of general and/or specific standards for the issuance of that Special Exception as contained in this Ordinance.

Sports Club: A facility for individuals to take part in a sports activity whether indoors or outdoors, public or private. May be allowed by Special Exception as a Light Commercial use in the General Residential and Rural Residential, One districts.

Stable: A use of land which includes a riding academy, an indoor riding arena, the hiring of saddle horses, the breeding and/or raising of horses or a livery stable. A stable use may be allowed by Special Exception as a Home Occupation in all districts or as a Light Commercial use in the General Residential and Rural Residential, One districts.

Storage Facility: See Warehouse.

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Street: Shall include a Class V or better highway; a private road on a subdivision plat approved by the Planning Board; or a Class VI highway provided that the requirements of RSA 674:41, I(c) are complied with.

Structure: Anything constructed, erected or placed with a fixed location on the ground, or attached to something having a fixed location on the ground.

Tourist Home: A lodging facility on a residential lot with up to six (6) sleeping rooms for guests; where such rooms are either a part of the primary residential building or are contained within a smaller accessory building; and the essential residential look of the lot is not compromised. Allowed by Special Exception in the General Residential and Rural Residential, One districts.

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

Travel Trailer: A vehicular, portable, non-self-propelled structure built on a chassis and designed to be used as a temporary dwelling for travel, recreation, and vacation use. Identified as "Travel Trailer" by the manufacturer and having a body not exceeding 8 feet in width and 32 feet in length.

Use, Permitted: Use specifically allowed in a district, excluding illegal uses and non-conforming uses.

Variance: Such departure from the terms of this Ordinance as the Board of Adjustment, upon appeal in specific cases, is empowered to authorize under the terms of Section 1901 and applicable statutes of the State of New Hampshire.

Yard: Space on a lot not occupied by a building or structure.

Warehouse: A structure for the storage of merchandise or commodities belonging to either the owner or others. May be allowed by Special Exception as a Light Commercial use in the General Residential and Rural Residential, One districts.

ARTICLE 18 ADMISTRATION AND ENFORCEMENT

Section 1801 Zoning Permit

1801.1 Written application for a Zoning Permit must be filed with the Town for any of the following, and except as provided in applicable statutes of the State of New Hampshire, until a permit has been obtained from the Zoning Officer (or, if the permit is denied, until the Zoning Board of Adjustment has directed that a permit be issued), none of the following shall be commenced:

- A. The construction, erection or placement of any of any building, exterior sign, or other structure.

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- B. Any change of use of any building, structure or land, including the addition of a home occupation, conversion of a dwelling to a tourist home, or addition of a dwelling unit.
- C. The alteration, expansion, restoration, moving, or demolition of any building, or part thereof, excluding alterations constituting normal maintenance.
- D. Use of a dwelling as a Short-Term Rental. (May also require a Short-Term Rental Permit from the Select Board.)
- E. Any use of the premises which would constitute a departure from the terms of this Ordinance, including, without limiting the generality of the foregoing, a change in the nature of the use of any building or premises to a non-conforming use, the expansion of any non-conforming use except as provided in Section 507, or any change in lot size or shape which would result in a violation of area or dimensional regulations.

1801.2 Application for a Zoning Permit shall be upon an appropriate form to be prescribed by the Town and shall be accompanied by such of the following as the Zoning Officer may require:

- A. Plans drawn to scale, showing the actual shape, dimensions, and location of the lot to be used, of existing building upon it, of alterations proposed for existing buildings, and of proposed new buildings.
- B. Information as to the existing and intended use of each building, lot, or part thereof, and as to the number of families, lodgers, or other occupants any building upon the premises is designed to accommodate.
- C. Any other information with respect to the lot and the applicant's use thereof, as well as relative to other lots in the neighborhood which, in the judgment of the Zoning Officer, is necessary to determine whether the action or use for which a permit is sought is a conforming action or use under the terms of this Ordinance.

1801.3 The Zoning Officer shall determine whether an application for permit is in compliance with a permitted use or action as defined by this Ordinance. If the Zoning Officer determines that it is, the application for permit shall be granted, provided Site Plan approval has been received from the Planning Board if required. If the Zoning Officer determines that it is not in compliance with the Ordinance, the application shall be denied. The Zoning Officer shall act upon any application within 30 days after it has been filed.

1801.4 Issuance of a Zoning Permit pursuant to this Ordinance constitutes approval by the Town of the proposed use only under the terms of this Zoning Ordinance.

1801.5 The issuance of a Zoning Permit for any use for which it is required shall precede or be in conjunction with the issuance of a Building Permit.

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1801.6 A Zoning Permit shall become void if a Building Permit is not issued and construction is not begun thereunder within twelve (12) months from the date of issue of the Zoning Permit, or, if no Building Permit is required, a Zoning Permit shall become void if the rights conferred thereby are not exercised within twelve (12) months from the date of issue of the Zoning Permit. Zoning Permits may be extended for no more than an additional 12 months by the Zoning Officer on receipt of a written request for extension at least fourteen (14) days prior to the expiration of the original permit.

1801.7 On approval by the zoning Board of Adjustment of a Variance or Special Exception, the Zoning Officer may issue a Zoning Permit.

Section 1802 Building Permit

1802.1 A Building Permit shall be required for any new construction. It shall be issued by the Board of Selectmen for any permitted use provided that the following conditions are met:

- A. A valid Zoning Permit has been obtained from the Zoning Officer.
- B. If the buildings require sewage, the applicant shall supply an approval for construction from the New Hampshire Department of Environmental Services.
- C. A driveway permit has been received from the Town or NHDOT if necessary.

1802.2 A Building Permit shall be void if:

- A. Operations are not begun within twelve (12) months from the date of issuance of the permit.
- B. At the termination of two (2) years from the date of the permit, the exterior of the building remains in an uncompleted condition. The Board of Selectmen or duly authorized agent shall order completion or removal at the expense of the owner of such uncompleted buildings, unless an extension of the permit is granted by the Zoning Board of Adjustment.

Section 1803 Zoning Officer

The administrative and enforcement officer for this Ordinance shall be known as the Zoning Officer and shall be the Board of Selectmen or their duly appointed representative. The Zoning Officer shall administer the Zoning Ordinance literally and shall not have the power to permit any use of land or buildings which is not in conformance with this Ordinance.

Section 1804 Enforcement and Penalty

1804.1 This Ordinance shall be enforced by the Zoning Officer if any building or use of land is, or is proposed to be, erected, constructed, reconstructed, altered, converted, maintained, or used in violation of this Ordinance. The Zoning Officer shall institute, in the name of the Town, any appropriate action, injunction, or other proceeding to prevent, restrain, correct or abate such construction or use or to prevent in or about the premises any act, conduct, business, or use constituting a violation.

1804.2 Any person who violates this Ordinance shall be fined as provided by applicable law. No action may be brought under this provision unless the alleged offender has had at least seven (7) days notice by certified mail that a violation exists.

Section 1805 Board of Adjustment

There shall be a Board of Adjustment and its members be appointed by the Selectmen , or shall be elected if so voted by the Town Meeting, for terms as provided by law.

1805.1 The Board of Adjustment shall have the following powers as well as such powers as may be conferred upon such boards by the statutes of the State of New Hampshire.

- A. To hear and decide appeals where it is alleged there is an error in any order, requirement, decision, or determination made by the Zoning Officer in the administration of this Ordinance.
- B. To hear and decide Special Exceptions to the terms of this Ordinance upon which the Board of Adjustment is required to pass as provided herein.
- C. To authorize upon appeal in specific cases such Variances from the terms of this Ordinance pursuant to Section 1806. In so doing, The Board of Adjustment may attach such conditions and safeguards as it deems necessary to protect the neighborhood and the community.
- D. To grant equitable waivers of dimensional requirements pursuant to RSA 674:33-a.
- E. In exercising the above-mentioned powers, the Board of Adjustment may, in conformity with the powers granted to it under New Hampshire Statutes, reverse or affirm wholly or in part or may modify the order, requirement, decision, or determination appealed from and may make such order or decision as ought to be made and to that end shall have all the powers of the Zoning Officer from whom the appeal is taken.
- F. The concurring vote of a simple majority of the membership of the Board of

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Adjustment shall be necessary to reverse any action of the Zoning Officer or to decide in favor of the applicant on any matter upon which the Board is required to pass under this Ordinance or to affect any variation in this Ordinance.

1805.2 The following rules shall apply in all proceedings before the Board of Adjustment:

- A. All appeals and applications to the Board of Adjustment shall be in writing on forms prescribed by that Board. Every appeal or application shall refer to the specific provision of the Ordinance involved, and shall set forth the interpretation, the Special Exception, or Variance for which application is made.
- B. Whenever a notice of appeal is filed for a Variance or an application made for a Special Exception, the Board of Adjustment shall hold a public meeting and notice shall be given as required under New Hampshire Statutes.
- C. The Board of Adjustment shall adopt rules in accordance with the provisions of this Ordinance. Meetings of the Board shall be held at the call of the Chairman and at such other times as the Board may determine. All meetings of the Board shall be open to the public. The Board shall keep minutes of its proceedings showing the vote of each member upon each question or if absent or failing to vote, indicating such fact, and shall keep records of its examinations and other official actions, all of which shall be immediately filed in the office of the Selectmen and shall be a public record.
- D. The Board of Selectmen shall establish such appropriate fees as will compensate the Town for the cost of processing and reviewing all appeals and applications submitted to the Board of Adjustment. The applicant shall pay the established fee upon submission of the appeal or application.
- E. The provisions contained herein are intended to comply with applicable provisions of New Hampshire Revised Statutes Annotated, Title LXIV, as amended. Any such amendment shall constitute a similar amendment herein without further action.

Section 1806 Variance

1806.1 The Board of Adjustment may, on an appeal, grant a Variance from the provisions of this Ordinance, if the Board determines that the following five requisite standards are met:

- A. No diminution in value of surrounding properties would be suffered
- B. Granting the variance would not be contrary to the public interest.
- C. By granting the permit, substantial justice will be done.
- D. The spirit of this Ordinance will be observed.

- E. Denial of the permit would result in unnecessary hardship to the owners seeking it.
 - 1. For purposes of subparagraph E, "unnecessary hardship" means that, owing to special conditions of the property that distinguish it from other properties in the area:
 - (i) No fair and substantial relationship exists between the general public purposes of the ordinance provision and the specific application of that provision to the property; and
 - (ii) The proposed use is a reasonable one.
 - 2. If the criteria in subsection 1 are not established, an unnecessary hardship will be deemed to exist if, and only if, owing to special conditions of the property that distinguish it from other properties in the area, the property cannot be reasonably used in strict conformance with the ordinance, and a variance is therefore necessary to enable a reasonable use of it.

The definition of "unnecessary hardship" set forth above shall apply whether the provision of the ordinance from which a variance is sought is a restriction on use, a dimensional or other limitation on a permitted use, or any other requirement of the ordinance.

1806.2 In authorizing a Variance, the Board of Adjustment may attach such conditions and safeguards as it deems necessary to protect the neighborhood and community, including but not limited to a time limit when the Variance will expire if not utilized.

Section 1807 Equitable Waivers of Dimensional Requirements

1807.1 When a lot or other division of land, or structure thereupon, is discovered to be in violation of a physical layout or dimensional requirement imposed by this zoning ordinance, the Zoning Board of Adjustment shall, upon application by and with the burden of proof on the property owner, grant an equitable waiver from the requirement, if and only if the Board makes all of the following findings:

- 1. That the violation was not noticed or discovered by any owner, former owner, owner's agent or representative, or municipal official, until after a structure in violation had been substantially completed, or until after a lot or other division of land in violation had been subdivided by conveyance to a bona fide purchaser for value;
- 2. That the violation was not an outcome of ignorance of the law or ordinance, failure to inquire, obfuscation, misrepresentation, or bad faith on the part of any owner, owner's agent or representative, but was instead caused by either a good faith error in measurement or calculation made by an owner or owner's agent, or by an error in ordinance interpretation or applicability made by a municipal official in the process of issuing a permit over which that official had authority;
- 3. That the physical or dimensional violation does not constitute a public or private nuisance, nor diminish the value of other property in the area, nor interfere with or adversely affect any present or permissible future uses of any such property; and
- 4. That due to the degree of past construction or investment made in ignorance of the

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facts constituting the violation, the cost of correction so far outweighs any public benefit to be gained, that it would be inequitable to require the violation to be corrected.

1807.2. In lieu of the findings required by the board under subparagraphs A(1) and (2), the owner may demonstrate to the satisfaction of the board that the violation has existed for 10 years or more, and that no enforcement action, including written notice of violation, has been commenced against the violation during that time by the municipality or any person directly affected.

1807.3 Application and hearing procedures for equitable waivers under this section shall be governed by RSA 676:5 through 7. Rehearings and appeals shall be governed by RSA 677:2 through 14.

1807.4 Waivers shall be granted under this section only from physical layout, mathematical or dimensional requirements, and not from use restrictions. An equitable waiver granted under this section shall not be construed as a nonconforming use, and shall not exempt future use, construction, reconstruction, or additions on the property from full compliance with the ordinance. This section shall not be construed to alter the principle that owners of land are bound by constructive knowledge of all applicable requirements. This section shall not be construed to impose upon municipal officials any duty to guarantee the correctness of plans reviewed by them or property inspected by them.

ARTICLE 19 MISCELLANEOUS PROVISIONS

Section 1901 Severability Clause

The invalidity of any section or provision of this Ordinance shall not invalidate any other section or provision thereof.

Section 1902 Effective Date

This Ordinance shall take effect immediately upon its adoption.

Section 1903 Amendments

This Ordinance and its accompanying maps may be amended in accordance with the provisions of the applicable statutes of the State of New Hampshire.

Section 1904 Validity

Whenever the provisions of this Ordinance or rulings made under the authority hereof differ from those of other ordinances or regulations of the Town, that provision or ruling which imposes greater restriction or higher standard shall govern.

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Section 1905 Repeal

Upon the valid adoption of this Zoning Ordinance pursuant to RSA Chapter 31, the existing Zoning Ordinance and all amendments thereto are hereby repealed. In the event that the "Zoning Ordinance of the Town of Sugar Hill, New Hampshire, 1986" is not adopted, then the existing Zoning Ordinance and all amendments thereto shall continue to be in full force and effect.

ARTICLE 20 SOLAR ORDINANCE

Definitions:

Commercial Solar: A use of land that consists of one or more free-standing ground mounted solar collection systems that is greater than 5 acres in solar land coverage.

Ground Mount: A solar collection system and associated mounting hardware that is affixed to or placed upon the ground including, but not limited to fixed, passive or active tracking racking systems.

Residential Solar: Any ground mounted or roof mounted solar collection system primarily for on-site residential use, and consisting of one or more free-standing ground or roof mounted solar arrays or modules, or solar related equipment, intended to primarily reduce on-site consumption of utility power that is less than 900 square feet in solar land coverage.

Roof Mount: A solar collection system that is structurally mounted to the roof of a building or other permitted structure. For the purposes of calculating array sizes or solar land coverage under the solar definitions in this section, roof mounted portions shall not be included.

Solar Collection System (SCS): includes all equipment required to harvest solar energy to generate electricity. The Solar Collection System includes energy storage devices, power conditioning equipment, transfer equipment, and parts related to the function of those items. Solar Collection Systems include only equipment up to (but not including) the stage that connection is made to the utility grid or site service point.

Community Solar: a system on one property that provides electricity to a group of properties

Large Commercial Solar: 5 to 25 acres producing energy for onsite usage and for distribution.

Municipal Solar: solar to provide Town facilities with power.

Solar Land Coverage: is defined exclusively for the purpose of calculating the footprint of the land area occupied by the components of a solar array. The Solar Land Coverage is the land area that encompasses all components of the solar collection system including but not limited to mounting equipment, panels and ancillary components of the system. This definition does not include access roads or fencing.

Nameplate Solar Panel Rating: equals the amount of solar the panels produce under industry standard test conditions. Most solar panels on the market have power ratings in the range of 200 to 350 watts. A higher rating means the panels are more efficient.

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Uses permitted by Right and Uses Permitted by Special Exception:

	GR	RR1	RR2	SF
Solar Collection Systems (SCS)				
Roof Mount SCS	Y	Y	Y	Y
Residential Solar	Y	Y	Y	Y
Commercial	SE	Y	SE	SE

Minimum Front, Side & Rear Setback same as building setback
 For SCS measured from property line (feet)

Setback . Ground mounted solar collection systems shall be considered structures and shall comply with the building setback requirements from lot lines and road rights of way for the entire system, including panels, in the applicable zoning district. Tracking systems shall have the setback measured from the point and time where the array is closest to the lot line or road right of way. No portion of a system may cross into the setback. If a ground mounted or tracking system is located in the shoreland overlay district, it should be subject to all requirements of that district.

Height Regulations. Roof Mount Solar collection systems as defined in this Ordinance shall not increase the height of the existing structure by more than 5 feet and shall not extend beyond the exterior perimeter of the building other than required for ancillary equipment.

Residential Ground mounted solar collection systems shall not rise more than 20 feet from the ground measured from the surface of the existing grade to the top of the collector at its highest point.

Commercial Ground Mounted Solar Collection Systems shall not rise more than 20 feet from the ground measured from the surface of the existing grade to the top of the collector at its highest point.

A. Authority, Purpose and Goals

This article is enacted in accordance with RSA 674:17(I)(j) and the purposes outlined in RSA 672:1-III-a as amended. The purpose of this ordinance is to accommodate solar energy collection systems and distributed generation resources in appropriate locations, while protecting the public’s health, safety and welfare. The Town intends to facilitate the State and National goals of developing clean, safe, renewable energy resources in accordance with the enumerated policies of NH RSA 374-G and 362-F that include Page 4 of 7 national security and economic and environmental safety. This article establishes guidelines for the siting of solar collection systems and fulfills the following goals:

1. Preserve the authority of Sugar Hill to regulate and to provide for reasonable opportunity for the siting of solar collection systems.
2. Allow Residential Solar and Roof Mount Solar collection systems as defined in this ordinance by right.

3. Reduce any adverse impact such solar collection systems may create, including, but not limited to, impacts on aesthetics, environmentally sensitive areas, historically significant locations, agriculturally significant locations, health and safety by injurious accidents to person and property, and prosperity through protection of property values.
4. Provide for minimal impact siting options through an assessment of locational options, technology, potential glare, and buffering options.
5. Provide for the removal of abandoned facilities that are no longer in operation.

B. Principal or Secondary Use

Solar collection systems may be considered either principal or secondary uses. An existing use or an existing structure on the lot shall not preclude the installation of a solar collection system on such lot. Solar collection systems may be located on leased parcels within lots. Solar collection systems that are constructed in accordance with the provision of this ordinance shall not be deemed to constitute the expansion of a nonconforming use or structure. Nor shall such facilities be deemed to be an accessory use.

C. Performance Requirements for Residential Solar Collection Systems

All residential solar collection systems are required to obtain a solar building permit.

- 1. Setback and Height Requirements** – Solar collection systems shall comply with the dimensional standards set forth in this ordinance.
- 2. Electrical Requirements** –All systems not connected to the grid shall be inspected by a licensed Master Electrician at the applicant’s cost and approved by the chief of the Sugar Hill Fire Department.
- 3. Building Permit Requirements** - All solar installations are required to obtain a solar building permit.

D. Performance Requirements for Community, Municipal and Commercial Solar Collection Systems

- 1. Setback and Height Requirements** – Solar collection systems shall comply with the dimensional standards set forth in this ordinance.
- 2. Electrical Requirements** – Grid-tied systems shall file a copy of a final approved utility interconnection agreement with the town of Sugar Hill prior to operation of the system. All systems not connected to the grid shall be inspected by a licensed Master Electrician at the applicant’s cost and approved by the chief of the Sugar Hill Fire Department.
- 3. Building Permit Requirements** - all community, municipal and commercial solar collection systems are required to obtain a solar building permit.
- 4. Utilities** – Unless specifically waived by the Zoning Board, all electrical lines associated with the system will be underground or mounted on standard wood utility poles with a maximum height of 35 feet.
- 5. Stormwater**
 - a. Ground mounted systems that are required to secure a New Hampshire Department of Environmental Services Alteration of Terrain (AoT) Permit in accordance with NH RSA 485-A:17 shall secure such permit accordingly.
 - i. The final Permit issued by NH DES shall be incorporated by reference into the final Town approval and shall be enforceable by the Town in accordance with this Zoning Ordinance.

ii. No further local review of stormwater and erosion control shall be required where a project is required to secure the NHDES AoT Permit.

b. Where ground mounted systems do not require a NHDES AoT Permit, the following shall apply:

i. Ground mounted systems that require land clearing and grubbing of mature forested cover to accommodate more than 30% of the solar land coverage area, provided such area of clearing and grubbing is also larger than 1 acre for the proposed system shall include a management plan for stormwater that is directly related to the impact of the solar collection system.

ii. Ground mounted systems where the solar land coverage area is larger than 1 acre and located on slopes of greater than 5% shall include a management plan for stormwater.

c. Requirements for all Commercial Systems

i. All ground mounted systems shall be constructed in accordance with Best Management Practices for erosion and sedimentation control during the pre-construction, construction, and post-construction restoration period.

ii. Post construction, for the purposes of enhancing natural stormwater management, site conditions, and plantings post-construction shall ensure that areas of soil compaction have been restored to more natural conditions. Plantings shall be native species and are recommended to be beneficial habitat for songbirds, pollinators and/or foraging species in order to maintain a healthy surface and subsurface habitat that can attenuate stormwater.

6. Glare – Potential significant glare onto abutting structures and roadways, estimating the interaction of sun to panel angle, the time of year, and visibility locations shall be calculated. Reasonable mitigation, including but not limited to, angle of panels, anti-reflective coatings, and additional specific screening may be required.

7. Lighting – On site lighting shall be minimal and limited to access and safety requirements only. All lighting shall be downcast and shielded from abutting properties.

8. Buffer – As deemed appropriate, buffering shall be incorporated into the local landscape so that effective screening is provided along public ways and from abutting views. The use of existing or created topography is encouraged to reduce visual impacts.

9. Fencing – If required by the local authority, commercial solar collection facilities shall be surrounded by a fence setback from property lines in conformance with the district regulations for front, side, and rear yards.

10. Emergency Response – Access to and information regarding the site shall be provided to local emergency response organizations. Applicant shall conduct a site orientation tour upon request of local emergency response organization(s) at a mutually-agreed time.

11. Site Plan Review – All Commercial Solar Collection Systems are permitted by special exception from the Sugar Hill Zoning Board and shall be subject to Site Plan Review by the Planning Board.

12. Abandonment and Decommissioning – Solar Collection Systems shall be deemed to be abandoned if operations have discontinued for more than 6 months without written consent of the municipality. An abandoned system shall be removed and the site restored within 6 months of abandonment. A bond may be required to pay for the cost of removal.

Special Exceptions Conditions Applicable to Commercial Solar Collection System.

a. Factors considered in Review i. Potential glare impact on abutting structures or roadways. ii. Height of the proposed Commercial Solar Collection System iii. Ingress and egress to the site. iv. Surrounding topography. v. Suitability of perimeter fencing.

b. Additional criteria for granting a Special Exception. i. The use will not materially endanger the public health or safety; ii. Required modifications at or beyond the utility interconnection point. iii. Required screening shall be maintained during the operative lifetime of the Solar Collection System Special Exception. iv. In granting a Special Exception pursuant to this section, the Zoning Board of Adjustment may impose any reasonable conditions or restrictions deemed necessary to carry out the intended purpose of this ordinance.

c. Information Required – Each applicant for a special exception shall submit a plan prepared in accordance with the Town of Sugar Hill Site Plan Review Regulations and further information including a system layout, rated nameplate capacity, solar land coverage, equipment specifications, electrical requirements, glare analysis, setbacks, lighting, visual buffering, stormwater management plan if applicable, and a decommissioning plan.

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