

ARTICLE VI SUTTON VILLAGE OVERLAY DISTRICTS

A. Purpose and Intent

The purpose of this Village Overlay District provision is to provide an opportunity for creative development that is compatible with the character and scale of existing buildings. The intent of this Village Overlay District provision is to protect the historic character in the areas designated as Sutton Village Overlay Districts, and within those designated Village Overlay Districts:

1. To implement the goals, objectives, and policies of the 2021 Master Plan Update for housing, economic development, and the protection of neighborhood character.
2. To protect property values.
3. To encourage flexibility of design and to provide an efficient permitting process.
4. To enhance our high-quality neighborhood environments with a balanced mix of residential, non-residential, and mixed-use building types.
5. To encourage village-scaled development that is pedestrian-friendly.
6. To encourage the reuse of existing under-utilized buildings.
7. To provide for the conservation of architecturally significant structures whenever reasonably feasible.
8. To stimulate economic investment compatible with the character of the existing Sutton Villages.

B. Defined Terms:

All defined terms contained in this Article VI shall appear with italicized capitalized letters (e.g., *Capitalized Letters*) and shall have the meaning specified for those terms in the Sutton Subdivision Regulations and/or the Sutton Site Plan Review Regulations in effect at the time of any application under this Article.

C. Applicability

1. This Article is adopted as an Innovative Land Use Control in accordance with the provisions of RSA 674:21, authorizes the Planning Board to administer its provisions through the use of a *Conditional Use Permit (CUP)* process, and will apply to all duly designated Village Overlay Districts within the Town of Sutton.
2. A Property Owner, or Applicant acting with the legal permission of the Property Owner, may choose to use the provisions of this Article VI instead of those of the underlying zoning district(s). In doing so, the Property Owner/Applicant will be required to obtain a Conditional Use Permit from the Planning Board that authorizes the proposal's use of these provisions.
3. A Property Owner/Applicant that does not pursue a Conditional Use Permit pursuant the provisions of this Article VI must comply with the requirements of the underlying zoning

district(s) as set forth in the Town of Sutton Zoning Ordinance in effect at the time of any application.

4. If the application for a Conditional Use Permit pursuant the provisions of this Article VI is denied or withdrawn, all of the requirements of the underlying zoning district(s) as set forth in the Town of Sutton Zoning Ordinance in effect at the time of any application will control.

D. General Requirements

All Applications for a Conditional Use Permit pursuant to the requirements of this Article VI must show that the application is in compliance with the Sutton Subdivision Regulations and Sutton Site Plan Review Regulations in effect at the time of any application under this Article, as applicable, and in particular, that the following have been satisfactorily addressed:

1. Proposed streets shall be designed such that motor vehicle speeds and volumes will have a minimum impact on pedestrian activity and safety.
2. Proposed street furniture, lighting, screening and landscaping shall be primarily oriented to pedestrian use and to reducing the visual impact of non-residential uses, including parking for non-residential uses.
3. Setbacks, building envelopes, use, and necessary parking for non-residential uses shall be designed and located so that it/they are visually compatible with the surrounding area.

E. Permitted Uses

The following uses are permitted in a Sutton Village Overlay District either as a single use or a mix of uses:

1. Residential Uses

- a. Single Family Homes.
- b. Two Family Buildings (*Duplex*).
- c. *Accessory Dwelling Units (ADU)* attached or detached.
- d. *Adaptive Re-Use*

2. Non-Residential Uses:

- a. All of the following *Small-Scale* uses are permitted if they are contained within the shell of an existing building, or in new construction (including, additions or extensions to an existing building) if they occupy less than 1251 square feet of floor space when the property is accessed from a Town or private road and less than 2501 square feet of floor space when the property is accessed directly from a state road:
 - i. Retail Sales
 - ii. Professional services (including but not limited to attorney, doctor, financial/investment services, computer/IT services, etc.)

- iii. Business offices.
- iv. Repair services except for services involving vehicles or motorized equipment.
- v. Art studios/Galleries.
- vi. Restaurant/Cafés/Coffee Houses open no later than 10:00 p.m. and without a drive through window.
- vii. Personal Service Facilities.
- viii. Veterinary Offices when accessed directly from a state road and without a boarding facility.
- ix. State-approved Child Care facility.
- x. Artisan workshops (including but not limited to woodworking, small-scale metalworking, ceramics, etc.)

F. Development Standards

The following Development Standards apply to all applications for a Conditional Use Permit under this Article VI:

1. The Planning Board cannot waive the application of the Development Standards specified in this Article VI. An applicant may only obtain relief from these specific development standards from the Zoning Board of Adjustment.
2. Development Standards set forth in the Sutton Subdivision Regulations and/or the Sutton Site Plan Review Regulations, as applicable and in effect at the time of any application under this Article VI may be waived or modified by the Planning Board as set forth in Section G. 4. (Relief from Certain Development Standards) of those regulations.
3. **Lot size:** The minimum lot size shall be the minimum square footage necessary for a NHDES approved septic system and a well of sufficient capacity for the use intended for the property, while meeting all required setbacks.
 - a. Nothing in this Section F.1 is meant to prohibit a NHDES approved septic system that provides for a common leach field serving one or more parcels.
 - b. Nothing in this Section F.1 is meant to prohibit a NHDES approved community well that provides for a common water supply serving more than one parcel.

4. **Lot frontage:** Newly subdivided lots shall provide:
 - a. At least 75 feet of frontage on a Class V road; or
 - b. At least 25 feet of frontage for a *Flag Lot* only if such *Flag Lot* meets the minimum front yard setback requirement set forth in Section F.5.iv below.
5. **Setbacks:**
 - a. Front Yard Setback:
 - i. Except for Flag Lots, a minimum of 30 feet from the center-line of a 40-foot or smaller right-of-way access road.
 - 1) If the average of the existing front-yard setbacks of the *Adjacent Properties* is less than 30 feet, the lesser average amount may be used.
 - ii. Except for Flag Lots, a maximum of 50 feet from the center-line of a 40-foot or smaller right-of-way access road.
 - iii. Except for Flag Lots, a minimum of 50 feet from the center-line of a 50-foot or greater right-of-way access road.
 - iv. The minimum front yard setback for a Flag Lot shall be 150 feet from the center-line of the right-of-way access road.
 - b. Side Yards:
 - i. Shall be at least 15 feet for non-residential and mixed uses.
 - ii. Shall be at least 10 feet for residential use with the combined width of the side yards being at least 30 feet.
 - iii. In the event of an attached structure (e.g., two residential units, a combination of a residential unit and a permitted non-residential unit, or two permitted non-residential units) situated across the boundary of two lots, the width of each yard on either side of the connected parcels shall be at least 30 feet.
 - c. Rear Yards: Shall be at least 30 feet.
6. **Height and Roofs:**
 - a. A building height shall not exceed 35' from finished grade to the highest point of the roof.
 - b. A proposed addition to an existing building cannot raise the height of that building to a height that exceeds 35' from finished grade to the highest point of the roof.

7. Signage:

- a. All signage for non-residential uses in a Sutton Village Overlay District shall be controlled by this Article VI.
- b. All signage relating to residential uses shall conform to the requirements of Article III, Section D. of the Zoning Ordinance.
- c. There shall only be one sign per non-residential use which shall either be attached to the principal building or on a single free-standing sign, neither of which shall be larger than 3 square feet in size. A free-standing sign may have either one or two sides, neither of which shall be larger than 3 square feet in size.
- d. Free-standing signs and signposts shall be no higher than 6 feet and may not be installed within any road right-of-way or within any space situated between the travel way of the street and the pedestrian way.
- e. Free-standing signs shall be set back at least 3 feet from any pedestrian way or road right-of way as applicable.
- f. Signs shall contain no electronic elements. Lighting of signage shall use a shielded external source and shall be extinguished by 10:00 p.m.
- g. See Sutton Subdivision Regulations and/or Sutton Site Plan Review Regulations, as applicable and in effect at the time of any application under this Article for an Appendix providing sign examples.

8. Development Standards Specified in the Subdivision Regulations and the Site Plan Review Regulations.

Within a Village District, see the following Sutton Subdivision Regulations and Site Plan Review Regulations:

- b. Building Orientation (See Sutton Subdivision Regulations, Article IX, Section A.1. and Sutton Site Plan Review Regulations, Section VI.A.1)
- c. Parking (See Sutton Site Plan Review Regulations, Section VI.A.2)
- d. Architectural Facades and Rooflines (See Sutton Subdivision Regulation, Article IX, Section A.2 and Sutton Site Plan Review Regulations, Section VI.A.3)
- e. Pedestrian Access and Circulation (See Sutton Subdivision Regulations, Article IX, Section A.3 and Sutton Site Plan Review Regulations, Section VI.A.4)
- f. External Lighting (See Sutton Subdivision Regulations, Article IX, Section A.4 and Site Plan Review Regulations, Section VI.A.5)
- g. Street Trees (See Sutton Subdivision Regulations Article IX, Section A.5 and Sutton Site Plan Review Regulations, Section VI.A.6)

G. Conditional Use Permit Application Process

1. General Requirements:

- a. All applications for a subdivision and/or for any uses subject to the Sutton Site Plan Review Regulations require a *Preliminary Design Review* pursuant to RSA 676:4(b).
 - i. See Sutton Subdivision Regulations (Article V, Section A.2 and/or Sutton Site Plan Review Regulations, Sections VIII.B for the requirements for a Preliminary Design Review.
 - ii. The Preliminary Design Review will be most productive for the applicant and the Planning Board to the extent that the Application Materials set forth in Section G.2. below are provided in advance of that meeting.
- b. The Planning Board may, in its discretion, process and consider Applications applicable to a site or group of sites concurrently or sequentially provided that a Conditional Use Permit issued by the Planning Board shall be required **before the approval** of any other applications applied for under the authority of this Article, including all applications for a Site Plan Review and/or Subdivision, as applicable.
 - i. The approval of a Conditional Use Permit shall be conditioned upon the approval of all other relevant applications under Federal, State and local rules, including all applications for approval of a Site Plan and/or Subdivision.

2. Application Materials:

The application materials and information required for all Conditional Use Permits made under the provisions of this Article VI are set forth in the Sutton Subdivision Regulations, Article VI and in the Sutton Site Plan Review Regulations at Section VII, as applicable.

3. Standards of Review:

All applications must demonstrate the following to the satisfaction of the Planning Board:

- a. That the proposed use(s) is/are permitted by this Article VI or as may be authorized by the Zoning Board of Adjustment;
- b. That the proposed lot-size, setbacks, frontage, and building height meet the requirements of this Article or as may be authorized by the Zoning Board of Adjustment;
- c. That the Application/s will not materially endanger the public health or safety more than the existing surrounding uses;
- d. That the Application(s) will be compatible with and will not be so substantially different from uses on Adjacent Properties such that the neighborhood and Adjacent uses will be severely impacted;
- e. That the Application will not increase traffic by more than the maximum amount applicable to any of the roads within the Sutton Village Overlay District as specified

by the ASSHTO “Guidelines for Geometric Design of Low-Volume Roads, 2nd edition,” nor will the Application create unsafe turning movements, or conflict with pedestrian infrastructure in an unsafe manner;

- f. That the Application will sufficiently mitigate potential impacts to wetlands, surface water, and groundwater, and, shall ensure adequate on-site drainage facilities for a hundred-year storm; and
- g. That the application satisfies all relevant NHDES requirements for sewer, water, and other utilities as well as all NHDES restrictions and regulations regarding shoreland and wetlands.

4. Relief from Certain Development Standards:

- a. The Planning Board may grant a waiver(s) of Development Standards set forth in the Sutton Subdivision Regulations and/or the Sutton Site Plan Review Regulations, as applicable, if the Board finds, by majority vote of those present, that the Applicant has demonstrated that the following conditions have been met:
 - i. Each waiver is consistent with the intent of the provisions of this Article; and,
 - ii. Either the waiver(s) will result in a closer compliance with the defined Development Standards set forth in the Sutton Subdivision Regulations and/or the Sutton Site Plan Review Regulations, as applicable, or there exists a specific physical property constraint that warrants granting such relief.

H. Appeals:

Any persons aggrieved by a decision of the Planning Board concerning a Conditional Use Permit described under this Article VI may do so under the provisions of RSA 677:15.

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