

## **ARTICLE XI - SUPPLEMENTAL REGULATIONS**

---

Nothing in this Article shall relieve a property owner/applicant from complying with any other applicable provisions of the Allenstown Zoning Ordinance, including the provisions of any overlay districts or supplemental regulations or ordinances. In the event there are any conflicts between this Article and any other provisions of the Allenstown Zoning Ordinance, the more restrictive requirement shall control, with the exception of any applicable overlay districts at which time the provisions of the applicable overlay district(s) shall control.

### **Section 1101 Accessory Uses**

Nothing herein shall be construed to forbid an accessory use which is customary and incidental to the dominant use is permitted under this Ordinance, and if such accessory use is not injurious or detrimental to the neighborhood.

### **Section 1102 Accessory and Home Occupation**

Nothing herein shall be construed to prevent a physician, surgeon, dentist, musician or a member of another recognized profession from conducting a business in his residence or in an adjoining accessory building, nor shall this Ordinance be construed to prevent the carrying out in a residence of a customary home occupation, including dressmaking or music instruction, provided that such business or occupation shall not be injurious, noxious or objectionable to the general neighborhood.

### **Section 1103 Proposed Streets**

After a line of a future street is placed on the official map of the Town, buildings shall be set back from such line as though it were a street line.

### **Section 1104 Surface Waters**

All setbacks from surface waters shall be consistent with RSA 483-B, as amended. Any surface waters not governed by RSA 483-B shall have no structures constructed within forty (40) feet of the high water mark.

### **Section 1105 Obstructions**

No wall, fence or other structure, vehicle(s) including, but not limited to cars, trucks, boats and campers, signage, trees, shrubs or other growth on the property shall obstruct the view as to cause danger to traffic on a public way. No fence shall exceed eight (8) feet in height in any zone. Fences shall be constructed with materials approved by the Building Inspector. No plastic (construction) or other construction fencing shall be permitted as permanent fencing.

### **Section 1106 Casual Sales**

Casual sales, such as garage sales, yard sales and tag sales, when otherwise prohibited by the ordinance, may be authorized by the selectmen for Saturdays, Sundays and legal Monday holidays on such terms and conditions as they may impose in order to ensure that such yard sales, tag sales and flea markets are not detrimental or injurious to the neighborhood. No person or premises shall be granted permission to conduct such sale on more than one (1) weekend per calendar month and no person shall be granted permission to conduct sales before 7 a.m. or after 7 p.m.

deemed to be the property that the lessor has the sole right to occupy under the lease.

**1111.7.5.6** Temporary signs tacked, nailed, posted or otherwise attached to trees, stakes, fences or other objects advertising matter not applicable to the premises where located shall not be permitted unless as specifically allowed herein.

**1111.7.5.7** Per RSA 236:69 – 89, no temporary sign may be placed on state owned property or within the State right-of-way.

**1111.7.5.8** Temporary signs shall be securely anchored at a stationary location, shall not be motorized or moving and shall not be lit or illuminated in any way.

**1111.7.6** Repainting, cleaning and other normal maintenance or repair of a sign or sign structure, as long as the sign copy or structure is not modified in any way.

**1111.7.7** Signs placed in windows are allowed without a sign permit provided that they comply with the provisions outlined in section 1111.5.1.1 – 1111.5.1.3 and 1111.5.1.5.

**1111.7.8** “Open” flags measuring fifteen (15) sq. ft. in size and attached to the business building or a permanent base shall be allowed in all zones. Only one (1) flag is allowed per business. National, State, and US Military flags are exempt.

**1111.7.9** Commercial A-frame/sandwich board signs which are a maximum of four feet (4') in height and two feet (2') in width. These signs must be placed on the sidewalk or area directly in front of the business at a distance no greater than two feet (2') from the building, and must not impede pedestrian or handicapped access to the business or adjacent businesses. The sandwich board sign shall be removed when the business is not in operation, or when weather conditions, such as wind, create potential hazardous situations.

**1111.7.10** Signs permitted by section 1111.5.1 of this Article.

#### **Section 1112 Parking Requirements**

- a. Each dwelling shall have at least one (1) parking space on the same lot therewith or on land adjacent thereto for each dwelling unit.
- b. Each hotel, motel or lodging house shall have at least one (1) paved all-weather parking space on the lot therewith or on land adjacent thereto for each lodging unit.
- c. Each place of public assembly shall have at least one (1) paved all-weather parking space on the same lot therewith, on land adjacent thereto, to within three hundred (300) feet of the entrance thereof, for each five (5) available seating spaces and for each eight hundred (800) square feet of floor area in public use, except that schools through the tenth grade shall have at least one such parking space for each twenty (20) seating spaces for each three thousand, two hundred (3,200) square feet of floor area in public use.

- d. Each retail store or office building shall have at least one (1) paved all-weather parking space on the lot therewith or on land adjacent thereto for each two hundred (200) square feet of first floor area and for each four hundred (400) square feet of floor area above the ground floor.
- e. Each restaurant shall have at least one (1) paved all-weather parking space on the lot therewith or on land adjacent thereto for each fifty (50) square feet of floor space devoted to patron use.
- f. Each roadside stand shall have at least seven (7) paved all-weather parking spaces on the lot therewith or on land adjacent thereto for each customer service employee.
- g. All uses other than residential shall provide adequate parking space off the road or street and outside the public right-of-way for vehicles delivering, loading, unloading, or taking away goods, materials, supplies or waste in connection with the use.
- h. Parking shall be provided, and traffic in connection with such parking shall be channeled, so that all vehicles entering the roadway from the parking area shall enter in a forward motion and at a right angle to the street.
- i. Unless otherwise specified in this ordinance or the subparagraph or on site plan review regulation for the Allenstown Planning Board all parking spaces shall be a minimum of ten (10) feet in width and twenty (20) feet in length except the parking spaces which are located parallel to a travel isle shall be ten (10) feet in width and twenty two (22) feet in length.

#### **Section 1113 Lot Access**

- 1. There shall be no less than 500 feet between access points (i.e. driveway permit) serving a single lot of record after March, 2011. This shall apply to all new lots created after March, 2011 or undeveloped lots of record existing in March, 2011. Developed lots of record having more than one access point shall be considered existing nonconformities.
- 2. Shared driveways (i.e. one driveway serving two lots) are permitted by right in all zones within Allenstown for single family dwellings and duplexes. A shared driveway shall serve no more than 2 lots.
- 3. Commercial developments (excluding single family homes and duplexes) on parcels in all zones are permitted to and encouraged to share access and/or parking whenever feasible. Though frontage may be counted on one street, access to another street via the lot containing the shared access/parking is permissible. The adequacy of shared parking facilities shall be made on a case by case basis and shall ultimately be considered by the Planning Board during formal major and minor site plan review or by the building inspector when site plan review is not required (i.e. when only a building permit is required). When access or parking is to be provided for on an abutting or nearby lot the applicant must provide a permanent written agreement from the landowner of the nearby or abutting lot indicating that access and/or a specific number of parking spaces will be shared in perpetuity or until the land use expires or changes. Such an agreement will "run with the land" and shall not expire based upon ownership.
- 4. For parcels fronting on US Routes 3 and/or 28 that are undeveloped and do not have a permitted access (i.e. driveway permit, either from the State of New Hampshire or the Town