

Town of Warner, NH

Proposed 2012 Zoning Ordinance Amendments

Amendment #1

Amend the Zoning Ordinance Article III Definitions to add the following:

“**Premises**” means a lot including its buildings.

AND

Amend the Zoning Ordinance Article XII - Signage Regulations, paragraph C and D by rewriting them to read as follows:

C. In the Business District B-1:

Signs shall be permitted with a combined total maximum area of not more than thirty- two (32) square feet in surface and/or image area per premises.

1. The combined total sign area may be increased to a maximum of forty-six (46) square feet if there is a free standing sign of not more than twenty-four (24) square feet with the remaining sign area used for a building mounted sign(s).
2. Such signs may have continuous, non-flashing, external illumination provided that no such light illuminates the boundary of any residential property located in any other district after 11:00 P.M

D. In the Commercial Districts C-1 and Intervale Overlay District INT:

Signs shall be permitted with a combined total maximum area of-not more than sixty-four (64) square feet in surface and/or image area per premises.

1. For a single building with multiple businesses on one lot, a primary sign(s) shall be permitted totaling not more than sixty-four (64) square feet in area, with each additional business in that building permitted to have one additional sign of not more than twenty (20) square feet that is attached to the building.
2. Where more than one primary business building is on a lot, each primary business building sign(s) shall be permitted at least a total of not more than 32 square feet. The maximum total sign area per primary business building shall be not more than 5% of a building’s total front side wall area up to 64 square feet per primary building.
3. Freestanding Signs:
 - a. Signs which are not attached to a building (freestanding signs) shall be no more than twenty-four (24) square feet in area. These areas shall be considered as part of the maximum sign area for that premises.
 - b. When multiple businesses occupy a single lot, no more than one freestanding sign encompassing all of the businesses on in the premises shall be permitted which is no larger than 24 square feet in area. These areas shall be considered as part of the maximum sign area for that premises.
 - c. When more than one primary business building is on a lot, each primary business building may have a free standing sign not larger than 24 square feet in sign area as a part

of the maximum sign area allowed for that building.

- d. Free standing signs shall be setback not less than ten (10) feet from any property lines.
4. Signs may have continuous, non-flashing, external illumination provided that no such light illuminates the boundary of any residential property located in any other district after 11:00 P.M.
5. Signs shall not be located in or extend over a public right of way or right of way easement.

CURRENT WORDING

- C. ~~In the Business District, signs shall be permitted totaling not more than thirty-two (32) square feet in surface and/or image area, per business. In the Commercial Districts, signs shall be permitted totaling not more than sixty-four (64) square feet in surface and/or image area, per establishment. Such signs may have continuous, non-flashing, external illumination provided that no such light illuminates the boundary of any residential property located in any other district after 11:00 P.M.~~
- D. ~~In addition to the above regulations, the following restrictions shall apply in Commercial Districts:~~
1. ~~Not more than two signs, up to a total of sixty four (64) square feet, shall be permitted on each lot or parcel with each separate business premise allowed to have one additional sign of not more than twenty (20) square feet attached to the building.~~
 2. ~~Signs attached to the building may be up to sixty-four (64) square feet.~~
 3. ~~Signs, which are not attached to a building (freestanding signs), shall be equal to twenty-four (24) square feet or less. Free standing signs shall be setback not less than ten (10) feet from any property lines.~~
 4. ~~Signs shall not be located in or extend over a public right of way or right of way easement.~~
~~[Amended generally March 2001.]~~

[This amendment is intended to clarify interpretation of existing signage area standards, to allow an increase in allowed sign area in the downtown Business District B-1 consistent with some existing businesses, and to allow sign area for each separate primary building on a lot in the Commercial District which fills a gap in the Zoning Ordinance which now allows only (64) square feet of signage on a lot.]

Amendment #2

Amend the Zoning Ordinance Article IV General Provisions by deleting paragraph O as follows:

O. ~~DELETED. Any underground utility within a Public Right-of-Way or dedicated Town-highway shall be buried no less than 36 inches below ground surface and in schedule 80 conduit.~~
~~[Amended March 1999]~~

[This amendment is intended to leave requirements for installation of underground utilities with the existing Town Building Codes (which has adopted the NH State Codes) and with the utility companies' own requirements.]

Amendment #3

Amend the Zoning Ordinance Article XI – Commercial District C-1 by deleting paragraph H as follows:

- H. ~~DELETED. No fast-food or drive-in restaurant shall be located on a site, lot or parcel within two thousand (2,000) feet of any other site, lot or parcel occupied by another fast-food or drive-in restaurant, with such distance measured along and/or across one (1) or more public highway rights-of-way. [Approved March 2001.]~~

[This amendment is intended to allow equal opportunity for this type of restaurant on all lots in the Commercial Districts.]

Amendment #4

Amend the Zoning Ordinance **TABLE 1 – USE REGULATIONS** as follows:

Under the RESIDENTIAL USES section:

- Change One-Family Detached Dwelling from requiring a Special Exception to Permitted in Business District B-1.
- Change Two Family Dwelling from Not-Allowed to Permitted in Business District B-1.
- Change Multi-Family Dwelling from Not-Allowed to Permitted in Business District B-1.
- Change Multi-Family Dwelling from requiring a Special Exception to Permitted in Village Residential District R-1.
- Change “Conversion of Existing Dwelling Structure to Multi-Family Dwelling” from requiring a Special Exception to Permitted in Business District B-1, and in Village Residential District R-1.

[This amendment is intended to allow more flexibility for housing within the downtown Business District B-1 and the adjacent Village Residential District R-1 without going through the special exception or variance process. The Planning Board’s Site Plan Review process for Multi-family Dwellings will still be required.]

Amendment #5

Amend the Zoning Ordinance Article IV General Provisions paragraph H – Nuisance provision as follows:

Add a sub-section:

1. Noise related complaints will be handled by the Warner Police Department according to NH State Statute 644:2-Disorderly Conduct.

[This amendment is intended to provide initial direction to citizens who are concerned with nuisance noise situations. The State Statute is in effect even if this amendment fails to be approved.]

Amendment #6

Amend the Zoning Ordinance Article III – Definitions to add the following:

“Child Day Care Home” means a Home Occupation not required to be licensed by the State of New Hampshire, providing care and supervision in a dwelling unit to not more than three (3) children from one or more families for periods of time not to exceed 24 consecutive hours and excluding members of the family in the dwelling. (See RSA 672:1)

AND

Amend the Zoning Ordinance Article IV General Provisions by adding paragraph T as follows:

T. Child Day Care Home operations may operate out of a private dwelling if they comply with the following:

1. The operation may involve a household’s own children and up to three (3) children who do not live in the dwelling unit.
2. Only one (1) Child Day Care Home operation is allowed per premises.
3. The operation must comply with all federal, state, and local health and building codes.
4. The operation must satisfy the applicable criteria as set forth in RSA 170-E and the rules of the New Hampshire Department of Health and Human Services.
5. The operation is considered a Home Occupation and must comply as set forth in that provision of this Zoning Ordinance; however supervised outside playtime shall be permitted and the operation does not require a Site Plan Review.
6. Any child care operation involving four (4) or more children, not including the household’s own children, is not considered a Home Occupation and must obtain a Special Exception (See TABLE 1 – USE REGULATIONS), a Site Plan Review, and a State License.

This amendment is intended to simplify the process and reduce the initial costs for small operations for child care. The existing requirement to obtain a Special Exception for Day Care operations larger than for 4 children shall remain.]

Amendment #7

Amend the Zoning Ordinance **TABLE 1 – USE REGULATIONS** as follows:

Under the **ACCESSORY USES** section, revise line #2 by deleting Private day nursery and adding Day Care. ~~Private day nursery~~ Day care or kindergarten.

[This amendment is intended to update older terminology.]

Amendment #8

Amend the Zoning Ordinance Article III – Definitions to add the following:

“Accessory Apartment” means a separate complete housekeeping unit that is contained within, attached to a single family dwelling, or within an accessory building, in which the title is inseparable from the primary dwelling.

AND

Amend the Zoning Ordinance **TABLE 1 – USE REGULATIONS** as follows:

Under the RESIDENTIAL USES section insert a new line item for “Accessory Apartment” and indicate as permitted in all Districts except Intervals Overlay INT and Commercial District C-1

AND

Amend the Zoning Ordinance by adding a new Article XIV-B Accessory Apartment as follows:

Article XIV-B ACCESSORY APARTMENT

Requirements for Accessory Apartment:

1. The accessory apartment shall be clearly incidental to the primary use of the property. The apartment shall be a completely separate housekeeping unit that can be isolated from the primary dwelling unit.
2. Only one accessory apartment may be created within or attached to a single-family dwelling or accessory building per lot.
3. Any accessory apartment whether an addition to or contained within the single-family dwelling or accessory building, shall have an area of no less than 300 square feet, no more than 50% of the heated and finished floor area of the primary dwelling unit, and a maximum of 1,000 square feet of gross floor area.
4. All applicable regulations of the Town of Warner shall be met before an accessory apartment is permitted. The capacity/design of the septic system shall be verified.
5. Accessory apartments are not intended for individual ownership. The title shall be inseparable from the primary dwelling.
6. Accessory apartments may be located in a detached accessory building where allowed in TABLE 1 – USE REGULATIONS of this Zoning Ordinance only if the detached accessory building contains another use by the primary dwelling such as a garage with an apartment loft or section of a storage/barn building.
7. The primary dwelling unit shall not be rented/leased by the Owner of the property.

[This amendment is intended to add provisions to allow individual accessory apartments in the Zoning Ordinance since there currently are none.]