

# TOWN OF WARNER, NEW HAMPSHIRE

## ZONING ORDINANCE



Adopted March 11, 1969

### Amended:

March 5, 1974	March 12, 2002
March 13, 1979	March 11, 2003
March 8, 1983	March 9, 2004
March 11, 1986	March 8, 2005
March 14, 1989	March 14, 2006
March 13, 1990	March 13, 2007
March 12, 1991	March 10, 2009
March 10, 1992	March 9, 2010
March 8, 1994	March 8, 2011
March 12, 1996	March 13, 2012
March 10, 1998	March 11, 2014
March 9, 1999	March 10, 2015
March 14, 2000	March 8, 2016
March 13, 2001	

(Signed by Judith A. Newman-Rogers, Town Clerk)

Certification:

*Judith A. Newman-Rogers, Town Clerk*

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roadways into the landscape, landscaping features, and features that accommodate and encourage non-vehicular traffic.

At the same time, it is important to recognize the importance of the Intervale area as a major junction and stopping point for travelers and shoppers. Their needs must be accommodated, as must the realities of the high volume of traffic they bring to this area. It is important that development in the Intervale District be capable of safely handling this traffic, further enhancing visitors' and residents' experience of the Intervale area.

To achieve these goals, in addition to the provisions that apply to the C-1 District of which the Intervale Overlay District is a part, the following provisions shall apply to the Warner Intervale Overlay District:

- A. Uses permitted by right shall be those designated by the letter P in column INT of Table 1, and that Table with column INT only is hereby made a part of this Article.
- B. Uses permitted only by special exception of the Zoning Board of Adjustment shall be those designated by the letter S in column INT of Table 1.
- C. Accommodation shall be provided within and between developed parcels for non-vehicular travel, specifically including travel by foot and bicycle.

## **ARTICLE XII**

### **SIGN REGULATIONS**

*(Amended March 2016)*

Signs advertising or identifying the occupant or activity of a lot on which they are located shall be permitted in any district subject to the regulations contained in this Article. This ordinance does not regulate flags of National, State, or historical significance.

- A. The purpose of this article is to provide standards for the size and treatment of signs within the various zoning districts to protect against detrimental impact on the visual character of the community and on transportation safety. Signs should be consistent with the goals of Master Plan.
- B. **SIGN STANDARDS.** Any sign or use of signs shall conform to the following standards.
  - 1. All signs shall be designed, constructed and maintained in accordance with this Zoning Ordinance and the Town of Warner NH Building Code Ordinance. Signs shall be constructed of permanent materials and shall be properly attached to the ground, building, or other structure. Signs may also subject to State and Federal regulations.
  - 2. **Sign Permit Process:**
    - a. Sign configurations and location for all non-residential, multi-family, and home occupation uses shall be approved by the Planning Board to assure compliance with the Town of Warner Site Review Regulation, prior to submitting a Sign Construction Permit application to the Board of Selectmen or their Agent. Temporary signs as listed in this Article do not require Planning Board review.
    - b. A Sign Permit Application must be completed, submitted to the Board of Selectmen's Office, and approved prior to erecting, altering, or relocating a sign.
    - c. Sign Permit Applications are approved by the Board of Selectmen if they find the proposed sign conforms to the town's Zoning Ordinance and Regulations.
  - 3. Signs shall be permitted in any district subject to the requirements contained in this Article.
  - 4. Temporary signs requirements are in the Temporary Sign section at the end of this Article.
  - 5. The height of any freestanding sign shall not exceed fifteen (15) feet. Building mounted signs shall

be below the eave of a hip, gambrel, or other pitched roof building, or below the main roof deck line of a building with a mansard roof.

6. SIGN AREA COMPUTATION –per Article III Definitions and as defined in this Article.
7. The area of signs allowed in the Business Districts B-1 and Commercial District C-1 shall be per Section C and D of this Article.
8. In all districts, one (1) sign shall be allowed on a premise for each residence. One (1) additional sign per premise shall be permitted in any district when there is an approved Home Occupation. Each Sign shall have a maximum area of four (4) square feet, shall be a maximum of six (6) feet high and may not be located within ten (10) feet of an abutter or public right-of-way.
9. In order to maintain public safety, Permanent Directional Signs indicating the direction to a residence or business may be located off-site from the lot of the use. Directional Sign size shall not exceed two (2) square feet and be placed no closer than one (1) mile apart. Written permission is required from the adjacent land owner(s) on both sides of a road.
10. Signs or lighting of signs shall not be placed in such a position as to endanger vehicular or pedestrian traffic by interfering with vision by obscuring a clear view or by confusion with official street signs or signals.
11. On-site signs associated with a legal non-conforming use shall be maintained and may be replaced in kind if necessary. Non-conforming signs shall not be expanded.
12. Signs for a business that has not operated within the previous ninety (90) days shall be removed within thirty (30) days. Seasonal businesses or businesses temporarily not in operation may be exempt from this requirement through the review and permit process. At their option, seasonal business may remove their sign at the end of the season and reinstall it at the start of the next season without needing a new permit.
13. If a sign permit has been issued to a particular business and that business is sold, a new sign construction permit will not be required if the new company has the similar type of business, the sign is the same size, the sign and supports have the same materials, and the sign is in the same location.
14. PROHIBITED SIGNS TYPES
  - a. Signs which flash, have motion, are animated, create an illusion of movement, or are internally illuminated, except for a Temporary Sign with a permit from the Board of Selectmen.
  - b. Signs attached to a tree or utility pole.
  - c. Signs that could be mistaken for traffic control signs or lights.
  - d. Signs on a vehicle or trailer located for the purpose to advertize the business on-site
  - e. Signs that may project over a public right-of-way or sidewalk unless the situation is such that the building to which the sign is attached is closer than five (5) feet from the public way or sidewalk. In such situations the sign shall be at an adequate height so as not to be interfering with pedestrians, vehicular traffic, or snow removal.
15. SIGNS ALLOWED but EXEMPT from a SIGN PERMIT
  - a. Signs required or erected by government agencies.
  - b. Certain Temporary Signs where indicated in this Article.
  - c. Signs indicating open, closed, sale or business hours located on premises and limited to one (1) square foot in area.
  - d. Incidental signs on-site guiding traffic safely to parking spaces, loading spaces, stacking lanes, entry and exit drives, direction of traffic flow, and pedestrian ways on private property that do not exceed three (3) square feet and that bear no advertising.
  - e. Residential identification and house number not exceeding two (2) square feet, and set a minimum of ten (10) feet from an abutter’s property line.

- f. Signs regulating or defining access to private property when the signs are less than one (1) square feet in area. This includes (for example) signs such as those indicating whether or not someone could trespass, hunt, hike, bike, or snowmobile on private property.
- g. Signs indicating a State or National Register of Historic Places status of a property.

C. In the Business District B-1: *[Amended March 2012]*

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: *[Amended March 2012]*

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.

E. **Temporary Signs** *[Amended March 2016]*

Temporary signs that comply with the following standards do not require a permit. All Temporary Signs that do not follow these standards shall require a Temporary Sign Permit from the Board of Selectmen.

- 1. Definition Temporary Sign:
  - a. A banner, pennant, poster or advertising display constructed of paper, cloth, canvas, plastic sheet, cardboard, wallboard, wood, metal or other like materials and that appears to be intended to be displayed for a reasonable short or definite limited period of time.
  - b. If the sign display area is permanent but the message displayed is subject to periodic manual changes, that sign shall not be regarded as a temporary sign.
- 2. All Temporary Signs shall be securely constructed and properly secured, and shall be placed in such

a location as to not endanger vehicular or pedestrian traffic by obscuring a clear view or by creating confusion with official street signs or signals.

3. All temporary signs shall be located a minimum 10 feet from an abutter’s property line.
4. Temporary signs shall not be illuminated.
5. **Temporary Signs which are allowed:**
  - a. Signs erected on residential property by or with the consent of the property owner, where such signs coincide with the timing of a political campaign or other matter on which voters may vote, and where the combined area of such signs shall not exceed thirty-two (32) square feet.
  - b. In order to maintain public safety, temporary off-premise ground mounted Directional Signs are allowed in all districts to indicate the direction to a residence or business. Such signs shall have a maximum area of four (4) square feet and be located a minimum of one-quarter (1/4) mile apart. The signs shall be erected for no more than seven (7) days prior to an event and be removed no later than one (1) days after the event. The sign shall be located on land outside the traveled right-of-way and with the written permission of the adjacent land owner(s) on both sides of a road.
  - c. **Allowed at a residential premise:**

<b><u>Residential sign situation</u></b>	<b>max number &amp; square feet (SF) area</b>	<b>maximum duration (days)</b>
ground mounted sign	1 at 4 SF	90 days cumulative in a year
additional ground mounted sign when a onetime event	1 at 4 SF	14 days for onetime event
additional sign(s) when there is a construction project or maintenance	4 at 4 SF	from the issuing of the construction permit to completion or during maintenance
additional sign when lot is for sale, lease, or rent	1 at 5 SF	while for sale, lease or rent
additional ground mounted sign(s) when there is a yard sale	2 at 4 SF	7 days per sale

- d. **Allowed at a commercial premise:** (non-residential and multi-family):

<b><u>Commercial sign situation</u></b>	<b>max number &amp; square feet (SF) area</b>	<b>maximum duration (days)</b>
a ground mounted sign when there is a onetime event	1 at 4 SF	14 days for onetime event.
a portable “sandwich board”	1 at 6 SF	when business is open
2 <sup>nd</sup> portable “sandwich board”	1 at 6 SF	for 14 days for a onetime event
a commercial flag	1 at 16 SF	when a business is open
a commercial banner only in B-1, C-1 & Int districts	1 at 16 SF top at 15 feet high	90 days cumulative in a year
additional sign when lot is for sale, lease or rent	1 at 5 SF*	while for sale, lease or rent
additional sign(s) when there is a construction project on the lot	Combined area of 16 SF **	from the issuing of the permit to 30 days after project completion
additional sign(s) during time	4 at 4 SF	during the period of maintenance up

of maintenance		to 7 days
Attached to interior of window or glass door	35% of total glass area visible from a public way	7 days

\*32 SF max in C-1 & Int

\*\*in the C-1 & Int district combined maximum area is 32 SF

**F. No Discrimination Against Non-Commercial Signs Or Speech.**

The owner of any sign which is otherwise allowed under this Article may substitute non-commercial copy in lieu of any other commercial or non-commercial copy. This substitution of copy may be made without any additional approval or permitting. The purpose of this provision is to prevent any inadvertent favoring of commercial speech over non-commercial speech, or favoring of any particular non-commercial message over any other non-commercial message. This provision prevails over any more specific provision to the contrary. This provision does not create a right to increase the total amount of signage on a parcel or allow the substitution of an off-site commercial message in place of an on-site commercial message.

**ARTICLE XIII**

**MANUFACTURED HOUSING**

*[Amended March 1999]*

**A. AUTHORITY**

This section is enacted in accordance with the provisions of RSA 674:32.

**B. PURPOSE**

The purpose of this section is to allow for the placement of manufactured housing within specific areas of the community and to provide for standards therefore.

**C. DEFINITIONS**

1. **Manufactured Housing** - 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 a permanent chassis and designed to be used as a dwelling unit with or without a permanent foundation when connected to required utilities, which include plumbing, heating and electrical heating systems contained therein. (RSA 674:31)
2. **Manufactured Housing Park** - A parcel of land containing at least 10 acres, approved by the Planning Board pursuant to this section, for the placement of two or more manufactured houses or mobile homes which are intended to be parked for residential purposes. See Section D. of this Article for additional requirements.
3. **Manufactured Housing Subdivision** - A parcel of land containing at least 12 acres and consisting of two or more lots, pursuant to this section, for the placement of two or more manufactured houses for residential purposes.
4. **Mobile Home** - A manufactured house as defined above.
5. **Travel Trailer** - A mobile home designed to be used for temporary occupancy for travel, recreation or vacation use; with the manufacturers permanent identification "Travel Trailer" thereon; and when factory equipped for the road, being of any length provided its gross weight does not exceed forty five hundred (4,500) pounds, or being any weight provided its overall length does not exceed twenty eight (28) feet.