

## 2. Zoning for Aesthetics

Zoning for aesthetic reasons is generally permissible in New Hampshire. In [\*Carlson's Chrysler v. City of Concord\*, 156 N.H. 399](#) (2007), the Court upheld the City's sign ordinance which prohibited moving signs against the plaintiff's First Amendment challenge. Recognizing the valid municipal purpose of the ordinance to maintain public safety as well as "maintain and enhance the appearance and aesthetic environment of the City", the Court held that it was not necessary for the City to "provide detailed proof that the regulation advances its purported interests or safety and aesthetics." *Id.* at 404. The Court concluded by unequivocally explaining that "a municipality may exercise its zoning power solely to advance aesthetic values because the preservation or enhancement of the visual environment may promote the general welfare." *Id.*

An ordinance prohibiting back-lit illuminated signs was also upheld in [\*Asselin v. Town of Conway\*, 137 N.H. 368](#) (1993) after a challenge by the plaintiffs that the State enabling act did not authorize an aesthetic-based ordinance. The Court disagreed, affirming as valid the purpose of the ordinance "to promote aesthetic values, include preserving scenic vistas, discouraging development from competing with the natural environment, and promoting the character of a 'country community.'" *Id.* at 371. The Court explained that "the State zoning enabling act grants municipalities broad authority to pass zoning ordinances for the health, safety, morals, and general welfare of the community. *Id.* As such, the Court held, "municipalities may validly exercise zoning power solely to advance aesthetic values, because the preservation or enhancement of the visual environment may promote the general welfare." *Id.* at 371-72.

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