

## PUBLIC HEARING NOTICE

### PROPOSED ZONING AMENDMENTS

The Warner Planning Board will hold a public hearing to receive comments on proposed amendments to the Warner Zoning Ordinance on Monday, December 18, 2017 at 7:00 PM in the Warner Town Hall Lower Meeting Room, 5 East Main Street, Warner, NH 03278. Written comments may be submitted until noon on December 18, 2017 either by physical delivery to the Land Use Office at the address above or by email to [landuse@warner.nh.us](mailto:landuse@warner.nh.us), or also by presentation to the Planning Board during the hearing.

Amendments to be considered include the following:

- A. Use Table – Retail and Services. Simplify language of #1 and #2 in this section, include sale of vehicle fuels and charging stations, and add definition of convenience store in Article III – Definitions.
- B. Add definition of “essential services” to Article III – Definitions.
- C. Use Table – add notations wherever a variance is required.
- D. Accessory Apartments – prohibit accessory apartments with townhouses or manufactured housing.

The full text of all proposed amendments is available at the Warner Town Hall or at <http://warner.nh.us/?page=notices>

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Full text of zoning amendments to be considered by the Warner Planning Board for adoption by the 2018 Annual Town Meeting.

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#### AMENDMENT A: Use Table – Retail and Services

##### Comment

The Planning Board recommends simplifying #2 in the Use Table (below; see also page 37 of the 2017 zoning ordinance). The zoning ordinance currently limits the size of structures in the B-1 District (village center) to 4,000 s.f. gross floor area, whereas in the C-1 and INT districts the overall limit is 40,000 s.f. gross floor area. There is no other building limit size anywhere else in the zoning ordinance. This means that retail building of unlimited size may be permitted in the R-2 and R-3 Districts by special exception. This appears to have been a drafting error.

The ordinance also allows #2 retail uses by Special Exception in the R-2 and R-3 Districts, but there is no size limitation specified in either district.

Automobile service stations (#14) are not allowed in the INT District; they are allowed only in the B-1 (S) and C-1 (P) Districts. This appears to have been a drafting error.

**CURRENT TEXT**

Table I – Use Regulations

Retail and Services

1. Retail establishments selling principally convenience goods including, but not limited to food, drugs, and propriety goods.
2. Retail establishment selling or renting general merchandise, including, but not limited to: dry goods, apparel and accessories, furniture and home furnishing, home equipment, small wares, and hardware including discount and limited price variety stores.

Business District B-1

X.F. The maximum gross floor area shall be 4,000 square feet for new construction as permitted in Table I of the Use Regulations. Existing buildings may be expanded to include a total of 4,000 square feet. Adequate parking must be provided.

**PROPOSED TEXT**

***Amend current language:***

Table I – Use Regulations

Retail and Services

1. Convenience stores, including the sale of motor vehicle fuels and vehicle charging stations.
2. Retail establishments other than convenience stores.

Article X

Business District B-1

***Amend current language to read as follows:***

X.F. For uses other than Residential, Community Facilities, or Agricultural, the maximum gross floor area shall be 4,000 square feet for new construction as permitted in Table I – Use Regulations. Existing buildings may be expanded to include a total of 4,000 square feet. Adequate parking must be provided.

Article VI

Medium Density Residential District R-2

***Add new section:***

VI.F. For uses other than Residential, Community Facilities, or Agricultural, the maximum gross floor area shall be 4,000 square feet for new construction as permitted in Table I – Use Regulations. Existing buildings may be expanded to include a total of 4,000 square feet. Adequate parking must be provided.

Article VII

Low Density Residential District R-3

***Add new section:***

VII.F. For uses other than Residential, Community Facilities, or Agricultural, the maximum gross floor area shall be 4,000 square feet for new construction as permitted in Table I – Use

Regulations. Existing buildings may be expanded to include a total of 4,000 square feet. Adequate parking must be provided.

Article III  
Definitions

***Add new section:***

“Convenience store”: A retail store specializing in a limited line of high-volume grocery, beverage and related items and emphasizing fast service including pumps for the sale of motor vehicle fuels.

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**AMENDMENT B: Define “Essential Services”**

**Comment**

The Use Table refers to “essential services,” but this term is defined only in the Telecommunications Ordinance; it is used there to distinguish between essential services and wireless telecommunications facilities. Copy that definition to Article III.

**PROPOSED TEXT**

***Add new section:***

Essential Services: Services provided by public utility or government agencies through erection, construction or maintenance of underground or overhead gas, electrical, steam or water transmission and distribution systems, and collection, communications, supply or disposal systems. Facilities necessary for the provision of essential services including poles, wires, mains, drains, sewers, pipes, conduits, cables, fire alarm boxes, police call boxes, traffic signals, hydrants and other similar equipment and accessories in connection therewith.

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**AMENDMENT C: Variance Notation in Use Table**

**Comment**

In an effort to promote transparency, the Planning Board recommends adding a “Variance Required” notation in the Use Table wherever the table is currently blank.

**PROPOSED TEXT**

***Amend Use Table to read as follows:***

Any currently blank cell in the Use Table would be amended to indicate “V”. Include at the bottom of each group in the Use Table (e.g., “Residential”) the following notation: “S (Special Exception) P (Permitted) V (Variance Required)”

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**AMENDMENT D: Limitations on Accessory Dwellings**

**Comment**

Recent legislation enables municipalities to prohibit accessory dwellings from being established in association with townhouses and/or manufactured housing.

**PROPOSED TEXT**

ARTICLE XIV-B

Accessory Apartment

***Add new section:***

8. Accessory apartments may not be established in association with manufactured housing or townhouse-style dwelling units (i.e., attached single family dwellings).