

TOWN OF WARNER 2007 PROPOSED ZONING CHANGES

ARTICLE	CURRENT DEFINITION	CHANGE PROPOSED
Article III, Definitions, “Buildings”	Means any combination of materials having a roof and enclosed exterior walls, fixed to the land, and constructed for the shelter of persons, animals or property.	Any combination of materials, whether permanent or temporary , having a roof or other overhead covering and used for the shelter, covering, or enclosure of any persons, animals or property.

REASON FOR CHANGE: Clarifies that a building is not necessarily a fixed structure, but may be a temporary structure like a tool shed or storage shed. Also, with the changed definition, a building does not necessarily have enclosed walls, but may be an open structure like a pole barn.

Article III, Definitions, “Home Occupation” item g.	Employs not more than the equivalent of one full time (40 Hours) person outside the family and [continues to item h]	Employs not more than the equivalent of one full time (40 hours) person not dwelling in the home and [continues to item h]
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REASON FOR CHANGE: Clarifies that employees of the home occupation need not be family members. Also to be consistent with Home Occupation in the Use Table.

Article III, Definitions, “Home Occupation” item h.	Utilizes an area (either in the dwelling or an accessory building) of not more than twenty-five percent (25%) of the total floor area of the dwelling (including any functional basement).	Utilizes an area of not more than twenty-five percent (25%) of the total floor area of the dwelling, including any functional basement and accessory buildings .
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REASON FOR CHANGE: The current definition does not take into consideration that a home occupation may be in an accessory building, not in the home itself, and allows square footage of accessory buildings to be used in calculating the allowed square footage for a home occupation.

Article III, Definitions, “Major Subdivision”	Means any subdivision not classified as a Minor Subdivision	Means any subdivision, which creates four (4) or more lots or a minor subdivision for which a request for further subdivision is received within a 5-year period of the date of approval of minor subdivision.
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REASON FOR CHANGE: Does not change the intent or content of the definition. Addresses any possible confusion that re-subdivision within five years of a Minor Subdivision is considered and will be treated as a Major Subdivision. A few applicants have questioned the current language, so the proposed change is intended to eliminate any possible ambiguity or misunderstanding.

Article III, Definitions, “Structure”	See definition for “ building”	That which is built or constructed.
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REASON FOR CHANGE: A structure can be a building but it can also mean a tower, wharf, dam, steeple, etc. The proposed definition is taken from the International Building Code.

Article IV, General Provisions, B.	The removal of sand, clay, sod, loam or gravel is permitted either for private use or for sale, provided that the premises are left in a safe and sightly condition and protected against erosion. Such restoration shall be done within six (6) months after the completion of the project.	Refer to Earth Excavation Regulations adopted November 8, 2006.
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REASON FOR CHANGE: The Planning Board adopted Earth Excavation Regulations in November 2006. The proposed change assures that anyone undertaking excavation on his/her property is referred to these regulations.

Article IV, General Provisions, P.	No new Home Occupation may be conducted or Existing Home Occupation expanded without first obtaining a Use Permit from the Board of Selectman. In addition to meeting the definition set forth in Article III, Section I , the applicant must agree to and demonstrate compliance with each of the following conditions in order to receive a Use Permit for a Home Occupation:	No new Home Occupation may be conducted or Existing Home Occupation expanded without first obtaining a Use Permit from the Board of Selectmen. In addition to meeting the definition set forth in Article III, the applicant must agree to and demonstrate compliance with each of the following conditions in order to receive a Use Permit for a Home Occupation:
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REASON FOR CHANGE: Article III is the section on definitions. The definitions in Article III are now alphabetical, and are no longer listed as specific Sections like “Section I”.

Article XI, Commercial District C-1, F.

The maximum **gross floor** area for shops, restaurants, and other retail and service establishments shall be 20,000 square feet. Where more gross floor area is required, multiple buildings may be grouped on the same lot up to a maximum of 40,000 square feet.

The maximum **footprint** for shops, restaurants, and other retail and service establishments shall be 20,000 square feet. Where more footprint area is required, multiple buildings may be grouped on the same lot up to a maximum footprint of 40,000 square feet, **with no one building footprint to exceed 20,000 square feet.**

REASON FOR CHANGE: Gross floor area is the sum of the square footage of all floors in a building. Footprint is the square footage of the first floor of the building (or, if there are overhanging or cantilevered floors, the square footage is as if overhangs were dropped down to the ground). So under the current language, the maximum size of an allowed building would be one floor with 20,000 square feet (a “footprint” of 20,000 square feet), or two floors of 10,000 square feet each (a “footprint” of 10,000 square feet), or three floors of 6,667 square feet each (a “footprint” of 6,667 square feet). Under the proposed change, a building with a footprint of 20,000 square feet could have two floors (for a gross floor area of 40,000 square feet), or possibly three floors (for a gross floor area of 60,000 square feet). This change would *not* allow buildings like “big box” retail, which have only one floor, but it might allow something like a three story hotel or office building with a footprint of 20,000 square feet. For comparison, the Market Basket building has a footprint of about 63,727 square feet including Aubuchon Hardware, loading docks and front entries, so the largest building under the proposed change would be about one third the size of the Market Basket building. The Planning Board neither endorses nor disapproves of the proposed change. We believe the voters should have the opportunity to make this decision, and so have placed it on the Warrant.

Revised 2/28/07/ BA

Article XVII, Board of Adjustment,
E. 2. a. – h.

In granting a Special Exception, the Board of Adjustment may attach appropriate conditions to assure that the general criteria can be met and enforced, including but not limited to :
etc.etc.etc.

Delete this section entirely.

REASONS FOR CHANGE: This change is proposed at the recommendation of the Zoning Board of Adjustment. The ZBA believes, and the Planning Board agrees, that the language to be deleted should be part of the ZBA’s procedures rather than part of the Zoning Ordinance. This change was proposed last year, but at that time there was confusion about the reason for the change, and the Zoning Board put off their request to make this change until this year.

Table 1, Use Regulations,
Accessory Uses, I.

Home occupation not involving the on-lot
fulltime employment of persons not dwelling
in the home.

Home occupation not involving the
on-lot full time (**40 hours**) employment
of persons not dwelling in the home.

REASONS FOR CHANGE: This change eliminates inconsistency between the definition of home occupation in the text of the Zoning Ordinance and the Use Table that accompanies the Zoning Ordinance.

Building Code Ordinance
Article II, A. 1.

BOCA code has been adopted by reference
and will apply except where more stringent
codes already apply.

Town of Warner building code
means the adoption by reference of the
International Building Code 2000, the
International Plumbing Code 2000,
International Mechanical Code 2000,
International Energy Conservation
Code 2000, and the International
Residential Code 2000, as published
by the International Code Council, and
the National Electric Code 2002, except
where more stringent codes already apply.

REASONS FOR CHANGE: The references that are proposed are currently within the new State Building Code. The proposed changes bring the town into compliance with the State Building Code.

Building Code
Article II, B. 1.a.

Manufactured housing must meet the
federal minimum property standards for
single family dwellings and the mobile
home construction safety standards as
published by the Dept. of Housing & Urban
Development

Manufactured housing must meet the
federal minimum property standards for
single-family dwellings and the **most
recent revision of the** mobile home
construction safety standards as published
by the Dept. of Housing & Urban
Development

REASONS FOR CHANGE: Clarifies that manufactured housing must meet the most current published safety standards, eliminating the possibility that a person constructing manufactured housing could claim to be in compliance with an outdated set of standards.