



AGENDA

Joint Planning Board and Planning, Licenses & Development Committee

Monday December 11, 2017

6:30 PM

Council Chambers

1. Roll Call
2. Approval of meeting minutes – **August 14, 2017**
3. Land Use Code Update Project Presentation
4. Approve 2018 Meeting Schedule
5. Next Meeting – January 8, 2018
6. Adjourn

THIS PAGE IS INTENDED TO BE BLANK.

**CITY OF KEENE
NEW HAMPSHIRE**

**JOINT PUBLIC WORKSHOP
PLANNING BOARD/
PLANNING, LICENSES, AND DEVELOPMENT COMMITTEE
MEETING MINUTES**

Monday, August 14, 2017

6:30 PM

Council Chambers

Planning Board Members Present

Gary Spykman, Chair
Douglas Barrett, Vice-Chair
Andrew Bohannon
Mayor Kendall Lane
Chris Cusack
Councilor George Hansel

Planning Board Members Not Present

Nathaniel Stout
Pamela Russell Slack
Martha Landry
Tammy Adams, Alternate
David Webb, Alternate

**Planning, Licenses and Development
Committee Members Present**

Councilor David Richards, Chairman
Councilor George Hansel
Councilor Bart Sapeta

**Planning, Licenses and Development
Committee Members Not Present**

Councilor Robert Sutherland
Councilor Philip Jones

Staff Present

Rhett Lamb, Planning Director
Michele Chalice, Planner
Tara Kessler, Planner

1. Roll Call

Chair Spykman called the meeting to order at 6:30 pm and a roll call was taken.

2. June 12, 2017 meeting minutes

A motion was made by Councilor George Hansel that the Joint Committee accept the June 12, 2017 meeting minutes. The motion was seconded by Councilor Bart Sapeta and was unanimously approved.

3. Public Workshop

A. **Ordinance – O-2017-10 Relating to a Zoning Change** – Petitioner, City of Keene, proposes to amend Section 102-896 of the Keene Zoning Ordinance to be consistent with changes made to NH RSA 674:72 regarding Accessory Dwelling Units (ADUs), which took into effect on June 1, 2017. The proposed Ordinance allows as a matter of right attached ADUs in the Rural, Agriculture, Office, Medium Density, High Density, High Density-1, Low Density, and Low Density-1 Districts and for detached ADUs in the Rural and Agricultural Districts.

Acting Health Director, John Rogers addressed the Joint Committee. He explained that Keene has had an Accessory Dwelling Unit (ADU) Section within its Zoning Code, which is in conflict with the changes recently made at the State level regarding the regulation of ADUs. The RSA indicates an ADU will be permitted in any area that permits a single family use, which the current Ordinance does not do. The other change the City has put in place is to take this out of the conditional use process before the Planning Board and bring it into a building permit requirement.

Another issue is that a municipality is not allowed to restrict the size of an ADU, which the city's current ordinance does. The state indicates it cannot be restricted to less than 750 square feet. The

City's ordinance requires a property to be lived in by the property owner; this is not being changed, this is still a requirement.

Planner, Tara Kessler then addressed the Staff Report for this item. She indicated that ADUs are currently permitted in nearly 72% of the community but are allowed as a matter of conditional use permit only in three zoning districts (Low Density, Low Density 1 and Rural), either as attached or detached. This new ordinance will increase the area of the City that allows for ADUs to 80%. While the existing ADU ordinance permits attached and detached in the Low Density Zoning District, this new ordinance will only allow for attached ADUs. This is to preserve the density of this district, which is intended to have only single family homes. Detached units will be allowed in Rural and Agricultural Zoning Districts only and there will be a size restriction of 1,000 square feet. The areas where detached ADUs will be allowed includes about 66% of the community.

In the High Density District, Medium Density District, and the Office District it is possible to build a second dwelling unit, however, the lot must meet the minimum lot size requirements. In the High Density District you will need a minimum of 11,000 square feet to allow for two dwelling units and the minimum lot size for one unit would be 6,000 square feet.

With respect to consistency with the Master Plan, it is clear about supporting home ownership and rental opportunities that provide well maintained, quality and safe housing for all portions of our demographics. It also encourages in-fill development and rehabilitation of existing housing stock.

Councilor Hansel asked how the City plans to enforce the owner occupancy requirement. Mr. Rogers stated there is wording in the ordinance that relates to this issue but the City has not done what the ordinance currently refers to and we are recommending that language be deleted. However, staff is recommending during the initial building permit process, a sworn statement from the property owner be required and that this also be made part of the deed.

Mr. Lamb clarified the City can also become aware of a violation by a complaint from a neighbor or an informed citizen. The Chair asked at such a time would the City be obligated to follow up. Mr. Rogers stated at a time like that it becomes a City ordinance violation and would be followed-up.

Mr. Barrett stated he understands the rationale for having a maximum size for an ADU but asked for rationale for the minimum size limit. Mr. Rogers stated his rationale is that you don't want someone taking two small closets for instance and turning it into dwelling.

Dr. Cusack referred to page 8 of 37 (map 3) and clarified detached ADU's are to be permitted in the rural and agricultural zones and asked whether they are also permitted in other zones as long as they meet the requirements. Mr. Rogers stated attached ADU's have to be permitted in a municipality as per State RSA. However, a detached ADU will only be permitted in the Rural or Agricultural Zoning Districts. Ms. Kessler added if you are in the High Density, Medium Density or Office Zoning Districts, you are permitted the second dwelling unit as long as you meet minimum lot size requirements of the zoning ordinance whether attached or detached. Dr. Cusack referred to page 9 referred to the second full paragraph which states "*...If a property owner in either the High Density, High Density 1, Medium Density, or Office Districts wanted to construct a detached ADU...*" and asked if we were not calling it that. Ms. Kessler stated it was her error in the Staff Report for not being precise.

Councilor Sapeta asked how many ADUs have been built so far in the City since this ordinance was adopted in 2007. He indicated his concern is if this was something that increased in volume there could be issues with parking, the number of units on a lot, water run-off and flooding. Mr. Rogers stated there have been only a handful of ADUs built so far and noted any ADU that is built has to meet all setback requirements, lot coverage requirements under the zoning ordinance.

Mr. Lamb stated the changes being proposed are to be consistent with state law. He said going forward this would all be done by right and not through a conditional use permit from the Planning Board.

The Chair asked for public comment next.

Mr. Peter Espiefs of 29 Middle Street stated he lives in the office district and his property is a historic home and asked how this proposal how this would affect his property. Mr. Lamb stated if there are changes to the exterior of a building which are visible from a public way they will be subject to historic district regulations and a permit might be required.

With no further comments, the Chair closed the public hearing

A motion was made by Councilor George Hansel that the Planning Board find Ordinance – O-2017-10-A consistent with the Comprehensive Master Plan. The motion was seconded by Andrew Bohannon and was unanimously approved.

A motion was made by Councilor David Richards that the Planning, Licenses and Development Committee request the Mayor set a public hearing for Ordinance – O-2017-10-A. The motion was seconded by Councilor George Hansel and was unanimously approved.

B. Ordinance – O-2016-01-B – Relating to Zone Change. Petitioner, City of Keene Planning Department, requests the creation of three zoning districts; a Business Growth and Reuse District, a Neighborhood Business District and a Residential Preservation District. The proposed ordinance also revises eleven zoning definitions and creates five additional zoning definitions. The two hundred and fifty-six parcels of land affected by this request total an area of 266 acres. The project area is generally east of Main Street, south of Water Street, west of Eastern Avenue and north of Baker Street. A summary of proposed revisions to the original ordinance and to the Basic Zone Dimensional Requirements Table 1, Section 102-791 will be discussed.

Planner Michele Chalice addressed the Committee next. Ms. Chalice stated staff is before the Committee with the Marlboro Street project because they have a unique opportunity to make minor modifications to the text of the intent statement for two of the proposed districts. This would allow the City to use RSA 79-E, a temporary property tax relief program being considered by the Council.

It also gives staff the opportunity to clean up a few other structural inconsistencies: language requiring owner occupancy, permitted principal uses added to the Business Growth and Re-Use and Neighborhood Business Permitted Principle Uses table, the removal of proposed dimensional requirement tables from throughout the ordinance, which made it easier to understand during the review period, to the main, Basic Zone Dimensional Requirements Table.

First Change:

RSA 79E – Pages 25 and 32 – the only change being made is listed on the bottom of page 25

Division 22 - Business Growth and Re-Use District (BGR) Sec. 102-771.0 – (the change being proposed – the word “is” being removed and content added to read as follows: *The intent of this section is to create an additional downtown zoning district ...*

Page 32 - Division 23 - Neighborhood Business District (NB) Sec. 102-772.0 – new language reads as follows: *The intent of this section is to create an additional downtown zoning district...*

Mr. Lamb added the reason for this change is so that 79-E could apply in the instant City Council choses to move forward with it.

Mayor Lane asked why it is being limited to the Business Growth and Reuse District and not in the Residential District which is being created. Ms. Chalice stated this is because the tax implications have not been discussed thoroughly enough. Chair Richards stated at the PLD Committee there was discussion about the Residential District also being included. Mr. Lamb stated it can always be added in today as an amended but noted at the PLD Committee level it was staff’s recommendation that the City begin with an economic development focus rather than a housing or neighborhood focus. 79-E has an economic focus and not in the residential realm. The Mayor felt the City was not drafting the 79-E legislation today and all the City is doing is putting in language to make it possible for 79-E to happen in the future. The Mayor felt now that the City has 79-E in front of it they might use it in all three zones and did not feel the City should amend the ordinance later on for what could have been included now.

Councilor Sapeta agreed with the Mayor in that he felt the issue discussed earlier tonight with the ADU’s could be included in this which will make it more economically viable. He asked if the Neighborhood Business District can only be applied downtown. Ms. Chalice stated the term “downtown” is being added is so that the new Neighborhood Business District being proposed can utilize 79-E. Chair Richards stated what is being suggested is that 79-E be utilized for the new zones being created. Councilor Sapeta stated his concern is that the language is confining Neighborhood Business District just to the downtown and can’t happen in other areas of Keene.

Mayor Lane stated the RSA 79-E is limited to downtown and to the Downtown Revitalization District. He further stated the Downtown Revitalization Committee, who have been working separately since spring, has already defined this area as part of the downtown (Main Street and Marlboro Street).

Councilor Hansel raised concern about applying 79-E to residences and agreed with the Mayor that any wording changes were appropriate.

Mr. Lamb referred to language from 79-E and added 79-E is focused on “the downtown” or a “commercial district” and this has been clear throughout the statute.

Mr. Lamb referred to page 24 and proposed this amendment: The intent of this Residential Preservation District (RP) is to ~~provide~~ *create an additional downtown district* and/or re-create a neighborhood of residential properties that prioritizes family units.

Mr. Barrett asked whether at some point the Residential Preservation District was to be applied to a part of Keene which is not thought of as part of the downtown, would it be an obstacle? Mr. Lamb stated the language at that time would need to be assessed to see if it would be appropriate for that part of the City. There might be certain amendments required or a separate district would need to be created.

Councilor Sapeta asked whether it would make sense to define the zone of downtown and then have language which points to the downtown zone. Mr. Lamb stated the manner in which he reads 79-E gives the City more options including a master plan option of what the central business district or downtown district is.

Dr. Cusack asked whether there was a zoning district referred to as “downtown”. Mr. Lamb stated what we have is the Central Business zoning district. Dr. Cusack asked whether the terminology was correct referring to this as “*creating an additional downtown zoning district*”. Mr. Lamb stated this is the terminology available through the 79-E legislation. Councilor Sapeta felt creating a specific downtown zone would be easier to deal with in the future. He asked whether this item could be continued so that type of zone could be specified. Chair Richards stated the reason for 79-E is to spur economic development and the City would like it in this area for that purpose. He indicated when the zoning is crafted; the City can pick and choose where 79-E could be located. This is a tool to encourage economic development. What the Joint Committee is doing today is to say it is going to be allowed in a particular zone and where it is eventually going to be used is a larger discussion which has not even started to happen.

Mayor Lane asked everyone not to over analyze anything yet as the ordinance has not yet been written. The City has a long way to go before the City applies this to any particular district.

Second Change:

Owner occupancy – Page 25 – *Affidavit of owner-occupancy for new structures with Certificate of Occupancy* – is being deleted.

Sec. 102-770.2 - General 1) In the case of a “Duplex/Two-Family Dwelling”, the property owner must occupy one of the two dwelling units – is being deleted.

Chair Richards asked how the new ADU definition ties into a duplex. Ms. Chalice stated these are two separate terms. An ADU offers the opportunity for a separate housing option within the proposed Residential Preservation zoning district. Mayor Lane asked whether an ADU and a duplex achieve the same purpose. The Mayor asked if the permitted use of a duplex was eliminated, will the City achieve what it wanted when it started without having to allow a duplex. Ms. Chalice stated that the two housing options are not exactly the same but the ADU does provide an additional housing option within the proposed Residential Preservation single family housing district. Mr. Lamb noted duplexes are proposed to be permitted in the Neighborhood Business District and staff is in agreement with what the Mayor is proposing.

Mr. Barrett stated an attached ADU does have a size limit; if there is a building that is 2,000 square feet in total and it is a side by side duplex and each unit is 1,000 square feet, this would not be allowed under the ADU law. However, as a duplex it would be allowed. (Maximum size of an ADU is 800 square feet and a minimum size of an ADU is 400 square feet). Mr. Lamb stated that an owner could always apply for a variance to increase the size of an ADU. The Mayor asked whether the Committee could increase the size of an ADU. Mr. Lamb stated the Committee would have to re-open up the ordinance discussion again but the Committee does have this prerogative under the statute to do so – the state law dictates a minimum, not a maximum.

Councilor Hansel stated any opportunity the City has to reduce the number of variances it has to grant, it should try to do so.

Chair Spykman asked whether the Committee would then eliminate the size requirement or set the size to a higher number, and if it does that how the Committee would come up with that number?

Mr. Barrett stated most of the older homes in Keene which are divided into two might have units on the first and second floors or side by side and might not necessarily be the same size. The ADU ordinance also had language, which said the owner did not have to live in the larger unit. He felt this is not an ordinance the City should be rushing into. If there is no size limit, he asked how a number can be assigned. Mr. Lamb felt it was important for the Committee to settle on a size limit; for the primary purpose this is as an *accessory* dwelling, *secondary* to the primary unit. These units are meant to serve as in-law apartments and such (of a lesser size compared to the primary unit). The original ordinance had a limit of 30% of the original structure but this had to be eliminated because of the minimum 750 square foot size under the statute. Mr. Lamb added there was good reasoning for the proposal at the 800 square feet but wasn't sure whether this particular SF limit is appropriate for what the committee was trying to achieve.

Mayor Lane noted because it is an "accessory" unit, wouldn't the size be dictated by the size of the lot? Mr. Lamb agreed this was possible due to the "lot coverage" limitation.

Councilor Sapeta stated for the proposed Residential Preservation zoning district he would like to remove the option for a duplex as this is a district that is close to the college which could allow eight students to live in one unit allowing 16 students to live in a duplex, which almost looks like a lodging house. He felt there is already a large concentration of college housing in this area. As far as the ADU is concerned, the Councilor did not feel a change was necessary as it is intended to serve as has been said, as an "in-law" apartment. The Councilor also talked about the flooding in this area and felt increasing the number of units and associated parking would only exacerbate this issue.

Dr. Cusack agreed with what Councilor Sapeta said and if this is a Residential Preservation District, and if duplexes and rentals are permitted, this area will never be returned to a residential area and the neighborhood would never be revitalized. Chair Spykman asked whether this affects existing duplexes. Ms. Chalice stated this ordinance would only affect new duplexes. Mr. Lamb stated the pre-existing homes would then become non-conforming.

Chair Spykman asked for public comment.

Councilor Manwaring addressed the Committee and referred to language from the RP District and stated prioritizing residences has been the goal of the southeast Keene neighborhood. She noted this area is overloaded with rental units and most of them are occupied by college students. She stated however that the reason for encouraging owner occupied units is to encourage families to return to this area. So she asked that duplexes not be removed from this ordinance. Councilor Manwaring asked to please not remove the duplexes. The Councilor added this area also has absentee landlords and this is another reason for an owner-occupied requirement.

Councilor Manwaring asked what happens when a landlord wants to dispose of, for instance, a four unit apartment he/she has not been able to fill? How do we encourage a family to purchase this unit and how do you change this to a duplex? Mayor Lane explained when a large home likes this sells it becomes a non-conforming use and the City does not have the legal ability to change the use of that house; only the owner can change that use. However, if the owner changes this use, he/she has to comply with the existing zoning ordinance.

Councilor Sapeta asked whether an ADU can be created for instance from a 2,500 square foot house. Mr. Lamb agreed it could be done as an add-on to the building or it could be an internal conversion of the existing building.

Ms. Vicky Morton of 275 Water Street was the next speaker. Ms. Morton stated her home is currently surrounded by homes that are now two family units but were single family homes in the past. She stated she would like clarity on duplex versus two-family buildings. She also noted the home on Fairfield Court and Water Street is for sale and asked what happens to this property; would the sale affect that property. Mr. Lamb stated once the first notice for the public hearing on the ADU is posted, all properties are subject to that change and any application after that notice will have to adhere to this change.

Ms. Chalice referred to the definition question and called the Committee's attention to page 34 regarding *Duplex/Two-Family Dwelling – means one building designed, occupied or intended for occupancy by two separate families; each a complete, independent living facility with separate, permanent, full provisions for sleeping, eating, cooking and sanitation. Each of the two dwelling units shall provide complete internal access to all rooms in the unit.*

She indicated should this ordinance pass; there would be no difference between a duplex and a two-family dwelling.

Ms. Morton stated her neighborhood has changed; there are less Keene State students but other negative elements have moved into the neighborhood.

Mr. Tim Zinn of 43 Grove Street stated he owns a two-family home where he is currently renting the first floor unit. He asked if he is to sell this property whether he would be required to sell it as an owner occupied property. Chair Spykman stated if this ordinance passes Mr. Zinn's property would remain as a pre-existing, non-conforming property. When it is sold, if the person who purchases the property does not make any changes, it will remain a pre-existing, non-conforming property.

Mr. Zinn stated his observation for his neighborhood is that one landlord seems to be purchasing most of the properties and most of these properties are income-generating student rentals. He wasn't sure how the City would manage such as issue.

With no further comments, Chair Spykman closed the public hearing.

Mr. Lamb explained there are so far two changes the Committee is proposing which they will vote on as a C version. The first is to add language to the Residential Preservation District relative to 79-E. The second is the removal of "duplex/two-family" from the Permitted Principal Uses table in the Residential Preservation District.

Third Change:

Ms. Chalice stated it came to staff's attention the two uses "duplex/two-family" and "single-family" had been left off the Principal Permitted Uses in Neighborhood Business District. She noted even though small business is being encouraged in this neighborhood, it was not mean to be at the expense of the possibility of new duplex/two-family and single-family units - Page 21, 3A (Marlboro Street).

Chair Spykman asked whether the Committee wants to take out the duplex/two-family as was discussed with the Residential Preservation District with the knowledge that ADU's are possibility.

Mr. Lamb stated Neighborhood Business District is more business oriented and it is intended to be denser and is intended to have a greater variety of mixed uses.

The Chair asked for public comment on the third change – adding “duplex/two-family” and “single-family” uses to the Neighborhood Business Zoning District.

Fourth Change:

Even though the term “mixed use development” is in the intent statement for Business Growth and Reuse Zoning District and the Neighborhood Business Zoning District, staff had failed to add it to the NB zoning district’s Permitted Principal Uses table.

The Chair asked for public comment on the fourth change.

Fifth Change:

Final change being proposed is the removing of each of the dimensional tables from the ordinance where it was utilized for discussion purposes and adding it to the main basic dimensional requirements table used for the zoning ordinance (all in one place).

Amendments:

Mayor Lane made the following amendment: “Amend Section 102-770 ‘Intent’ on page 24 – Residential Preservation Zone – First sentence to read *‘The intent of this Residential Preservation Zone is to create an additional downtown zoning district to provide...’*”. The amendment was seconded by Councilor George Hansel. The motion was unanimously approved by the Joint Committee.

Chair Richards made the following amendment: To remove the term “duplex/two-family dwelling” from the list of permitted uses in Residential Preservation Zoning District in Section 102-770.1. The amendment was seconded by Councilor George Hansel. The motion was unanimously approved by the Joint Committee.

A motion was made by Mayor Kendall Lane that the Planning Board finds O-2016-01-C in compliance with the Master Plan. The motion was seconded by Councilor George Hansel and was unanimously approved.

A motion was made by Chair David Richards that the Planning Licenses and Development Committee request the Mayor set a public hearing on for O-2016-01-C. The motion was seconded by Councilor George Hansel and was unanimously approved.

Next Meeting – September 11, 2017

4. Adjourn

The meeting adjourned at 8:10 pm.

Respectfully submitted, Krishni Pahl,
Minute Taker
Reviewed by Rhett Lamb, Planning Director
Edits by Lee Langella

CITY OF KEENE
NEW HAMPSHIRE

DATE: December 1, 2017

TO: Joint Committee of the Planning Board and the Planning Licenses and Development Committee

FROM: Tara Kessler, Planner

SUBJECT: Land Use Code Update

At the December 11th Joint Committee meeting, City staff will provide an update on the Land Use Code Update project. There will be a presentation on the work completed by City staff to date, and on the work plan developed for the project for the next year and a half. This work plan is attached for your review.

THIS PAGE IS INTENDED TO BE BLANK.

CITY OF KEENE LAND DEVELOPMENT CODE

Connecting Our Codes to Vision & Values



How Keene looks, feels and prospers, now & into the future, is shaped by our land use regulations.

These regulations are a critical tool for guiding change in a way that's consistent with our community vision and for encouraging economic development.

WHY IS THIS PROJECT NEEDED?

- It's been over 40 years since these regulations were last comprehensively updated.
- The permitting process can be complex and difficult to navigate.
- Our current regulations can be confusing and difficult to find or understand.
- Regulations do not always align with the goals of the Comprehensive Master Plan.

PROJECT GOALS

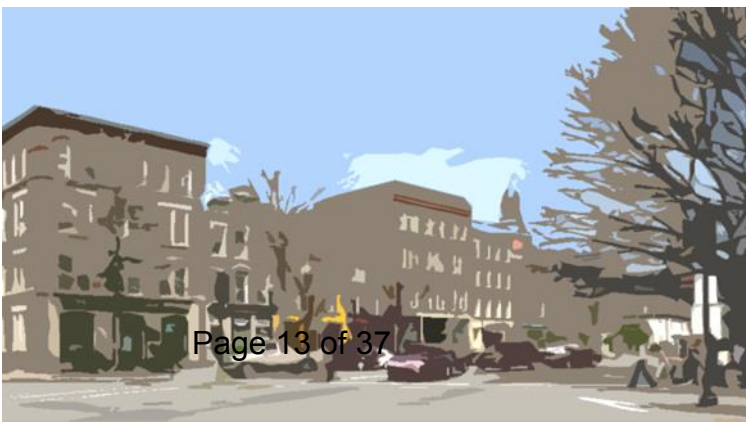
To update and consolidate the City's many regulations related to land use into one Code. This Code will:

- ✓ Create a more **business & user-friendly** regulatory environment
- ✓ Reflect current **community goals** & land use policies
- ✓ Provide a more **flexible & streamlined** process while insuring appropriate community review
- ✓ Contribute to **quality neighborhoods, communities & businesses**

PROJECT COMPONENTS

- 1 Public Involvement & Communication*
- 2 Regulatory Review & Analysis
- 3 Integration of Character Based Zoning
- 4 Update & Reorganization of Regulations
- 5 Improve Application & Review Process
- 6 Adoption Process
- 7 Post-Adoption Education

*Will be integrated throughout all project phases



THIS PAGE IS INTENDED TO BE BLANK.



CITY OF KEENE LAND DEVELOPMENT CODE

WORK PLAN 2017-2019

PROJECT OVERVIEW

How the City of Keene looks and feels, now and into the future, is largely determined by our Code of Ordinances and land use regulations. These regulations and standards govern a broad range of activities including permissible land uses, building densities, aesthetics, setbacks, street widths, parking requirements, natural resource protection etc. They are a critical tool for guiding growth and development in a manner consistent with our community vision and for encouraging economic development.

*Good codes
are the
foundation
upon which
great
communities
are built.*

The first Zoning Ordinance for Keene was adopted in 1927. While it has been amended and rewritten multiple times since its adoption, the last comprehensive update was in the 1970s. The City has made many changes to these regulations to address goals related to housing, economic development, environmental protection, stormwater management, and transportation over the past forty years, however, these amendments have been piecemeal.

The result of this patchwork approach to updating our regulations is an assortment of numerous districts, special districts, and overlay districts, each with their accompanying text, lists of uses, and differing standards. These layers of regulations can be difficult and confusing to navigate, and can add time and expenses to the permitting process. In some instances, they lack the flexibility needed to encourage growth and redevelopment that is compatible with our long-range vision and Master Plan goals. It is time to update and modernize our land use related regulations in a comprehensive manner.

Today, we are experiencing significantly different demographic trends and socioeconomic circumstances than when many of these land use regulations were last rewritten. The decades following World War II were characterized by substantial in-migration and rapid housing development. During this era, the paradigm for planning and land use regulation was focused on limiting or in some





instances controlling growth. In more recent years, our growth rates have sharply slowed and are projected to stay low over the next thirty years. In addition, our thinking about neighborhoods, housing density, economic development, and active transportation has evolved and changed shape. It is time to reexamine how well our regulations align with our Comprehensive Master Plan and respond to current conditions and trends. The Land Development Code will provide Keene with a modern set of tools to respond to these challenges and responsibly plan ahead for growth and redevelopment.

In 2010, the community completed a Comprehensive Master Plan that focused on six vision areas: a quality built environment, a unique natural environment, a vibrant economy, a strong citizenship and proactive leadership, a creative learning culture, and a healthy community. In order to achieve the goals and objectives outlined in this Plan and to stay responsive to the community's changing needs, it is apparent that the effectiveness of the underlying regulatory framework must be evaluated.

The need to review and update the City's land use regulations was identified by the community as the top priority in the 2010 Master Plan. In 2012, the City allocated \$200,000 to support this effort through the Capital Improvement Program.

PROJECT OBJECTIVES

The focus of this effort is to develop a more **modern**, **predictable**, **easy to understand**, and **streamlined** set of regulations to guide land use and development in Keene in a manner consistent with the goals of our Comprehensive Master Plan.

Specifically, this project will aim to provide a regulatory framework that:

- ❖ is logically organized, **easy to read and understand**, and is consistent in terms of processes and requirements;
- ❖ **reflects current community goals** and land use policies;
- ❖ provides **flexibility** and a **streamlined process** while insuring appropriate community review; and,
- ❖ **contributes to quality neighborhoods, communities and businesses.**

PHASE I

Before reorganizing and rewriting the City's multiple and varied land use regulations and standards, a study was undertaken to evaluate the best method for undertaking this effort. Through a competitive selection process, the City contracted with the land use and urban design firm, Town Planning and Urban Design Collaborative (TPUDC), in 2016 to: evaluate the strengths and weaknesses of the City's current zoning and land use regulations with respect to the goals of the Comprehensive Master Plan; research innovative tools and modern options for updating the existing regulatory framework; and facilitate a process for engaging and educating the public, municipal officials, and staff on these alternatives. In December of 2016, TPUDC produced a report outlining recommendations on which regulatory tools and approaches would best meet the City's needs and project objectives.

The information included in this Report was used by the City to focus the direction and set the foundation for conducting a comprehensive update of its land use regulations in a second project phase. After a series of meetings with the Joint Committee of the Planning Licenses and Development Committee and the Planning Board, a recommendation was made to City Council that the City pursue the development of a Unified Development Ordinance as well as Character Based Zoning for Keene's Downtown in the second phase of this project.

REVIEW OF TERMS / CONCEPTS

Land Use Regulations / Land Development Code

The City has a number of regulations that relate to land use and development in the City. Some of these regulations are specific to and administered by the Planning Board, such as the **Site Plan and Subdivision Regulations** and the **19 Development Standards**. Others are included as chapters in the **City Code of Ordinances**, which is governed by the City Council.

The City's **Zoning Ordinance**, which is Chapter 102 of the City Code of Ordinances, is one of the primary sources of development regulation in the City. It is comprised of 16 Articles, including general provisions regarding permissible land uses, building density, setbacks, and



KEENE, NEW HAMPSHIRE

CODE+ KEENE
DEVELOPMENT REGULATION ASSESSMENT



DECEMBER 6, 2016

Above: TPUDC's Phase I Report cover. This document is available for review at:

<https://ci.keene.nh.us/planning/projects/blue-use-code-update-project-0>

parking and landscaping requirements. In addition to Chapter 102, there are multiple Chapters of the Code that address land use and development. These include:

- ❖ Chapter 18 (Building Regulations);
- ❖ Chapter 14 Aviation
- ❖ Chapter 38 (Environment);
- ❖ Chapter 42 (Fire Prevention and Protection);
- ❖ Chapter 54 (Natural Resources)
- ❖ Chapter 58 (Parks, Recreation and Public Facilities)
- ❖ Chapter 70 (Public Improvement Standards)
- ❖ Chapter 82 (Streets, Sidewalks, and Certain Other Public Places)
- ❖ Chapter 90 (Telecommunications)
- ❖ Chapter 94 (Traffic, Parking and Public Ways)
- ❖ Chapter 98 (Utilities)

The City's Downtown **Historic District Regulations**, which are overseen by the Historic District Commission, also have a significant impact and influence on development that occurs. Outside of the Regulatory context, the City has adopted **Complete Streets Design Guidelines**, which have a direct impact on how the public realm is developed. Currently, these serve as guidelines and are not incorporated into City Code.

Unified Development Ordinance

A Unified Development Ordinance (UDO) is an instrument that combines traditional zoning and subdivision regulations, along with other desired or related City regulations such as design guidelines, into one document. Typically, UDOs consolidates all local regulations that govern development into a user-friendly documents that uses tables, charts and other graphics to make provisions more accessible and easy to understand.

Euclidean Zoning

The type of Zoning that Keene has in place today is primarily Euclidean. Euclidean Zoning is focused primarily on the separation of land uses, and has its roots in the 1600's English common law of nuisance. Nuisance law protected property owners from their neighbor's use of their property for an offensive purpose. In the early 1920s, around the same time when Keene first adopted its Zoning Ordinance, the United States Department of Commerce published the Standard State Zoning Enabling Act (SZEA), which focused on separation of uses into different districts as one its key concepts. The SZEA was enacted by most states and remains in effect, in some amended form, in most parts of the country.

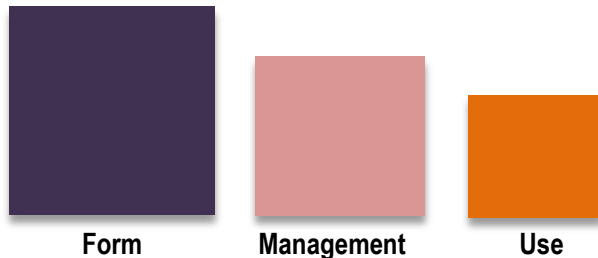
Euclidean Zoning was not focused on the built environment, but rather the separation of uses. It also addresses dimensional requirements such as lot size, setbacks, and height standards but it does not provide standards intended to guide development patterns and form. As communities like Keene began to experience greater development pressure in the 1960s and 1970s, they began to adopt a patchwork of zoning revisions to address the desire for better development. Devices, such as Conditional Use Permits, Variances, Overlays, Site Review Procedures, Design Guidelines, etc., which we continue to rely on today to guide and control development and redevelopment activity, were adopted in the absence of other regulatory tools.

Character-Based Zoning

Frequently referred to as Form-Based Zoning, Character-Based Zoning is a different approach to Zoning and development regulation that provide standards for both uses and physical form, with an emphasis on the land use and architectural context of a place. The focus of Character Based Zoning is on addressing the form and massing of buildings and their placement on lots, the relationship between private frontages and the public realm, and the scale and types of streets and blocks. This type of regulation emphasizes ease of use, understandability, and highly graphical and tabular standards. The regulations and standards are presented in both words and clearly drawn diagrams and other visuals. They are keyed to a regulating plan that designates the appropriate form and scale (and therefore, character) of development, rather than only distinctions in land-use types.

CHARACTER BASED ZONING

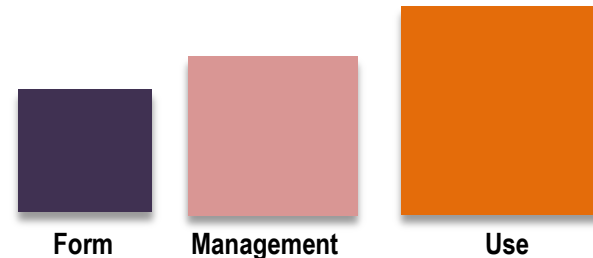
- Emphasizes the physical character of development (e.g. building form and scale) and de-emphasizes the regulation of land use
- Incorporates illustrations to explain design elements
- Seeks to preserve community character / create “place” through design requirements
- Encourages mixed uses and promotes walkability
- Greater attention to streetscape, design, public realm and role of individual buildings in shaping public realm



VS.

EUCLIDEAN ZONING

- Primarily focused on the segregation of land use types, and permissible property uses
- Uses numeric standards and texts rather than graphic illustrations
- Attempts to create uniformity and control development intensity through simple numerical parameters like setbacks, height limits, density, floor area ratios, etc.
- Uses minimum setbacks but the ultimate location and form of the building within the building envelope is often unpredictable



PHASE II WORK PLAN

The following Work Plan is intended to be a guide for how the City of Keene and its partners pursue and promote the development of the Land Development Code. It describes in detail the proposed tasks, deliverables, and schedule for all phases of this project. This plan should be viewed as a dynamic and evolving document subject to changes over the course of the project.

The project will be led by the Planning Department with internal support provided by staff from multiple Departments including but not limited to Planning, Health/Code, Public Works, Fire, Police, Parks and Recreation and the Clerk’s Office. It will involve 7 project phases/components, including: **public involvement** and communication, **regulatory review** and analysis, integration of **character based zoning**, the **update and reorganization of the regulations, improved application and review processes**, an **adoption** phase, and **post-adoption education**. These phases are described in more detail in the work plan included below.

The City will contract with external consultants to provide assistance with varying elements of this work plan. The following types of outside expertise will be solicited to support this effort:

- ❖ **Communication Consultant** to review and help develop marketing and communication materials and develop a communication strategy
- ❖ **Outreach / Engagement Consultant** to assist with the organization and facilitation of outreach events and activities
- ❖ **Land Use Consultant** to oversee the Character Based Zoning process, develop graphic content, and to assist with the development and layout of a UDO
- ❖ **NH Land Use Attorney** to ensure compliance of all changes with NH and federal laws

PROJECT MILESTONES	2017			2018												2019						
	OCT	NOV	DEC	JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP	OCT	NOV	DEC	JAN	FEB	MAR	APR	MAY	JUN	
Establish Consultant Team	█	█	█	█																		
Develop Public Involvement & Communication Strategy				█	█	█																
Develop Informational Materials & Website	█	█	█																			
Analyze Existing Conditions & Past Trends	█	█	█																			
Conduct Regulatory Review & Analysis	█	█	█	█	█	█	█	█	█	█	█	█	█	█	█							
Update Regulatory Application / Review Processes				█	█	█	█	█	█	█	█	█	█	█	█	█	█	█	█	█	█	█
Develop Character Based Zoning for the Downtown				█	█	█	█	█	█	█	█	█	█	█	█	█	█	█	█	█	█	█
Develop Outline for UDO							█	█	█	█	█	█	█	█	█							
Reorganize / Consolidate Regulations into UDO				█	█	█	█	█	█	█	█	█	█	█	█	█	█	█	█	█	█	█
Review Drafts of Revised Regulations									█	█	█	█	█	█	█	█	█	█	█	█	█	█
Finalize Draft UDO for Adoption													█	█	█	█	█	█	█	█	█	█
Complete Adoption Process																█	█	█	█	█	█	█
Post-Adoption Education																					█	█

PUBLIC INVOLVEMENT & COMMUNICATION

This project will require extensive community-wide education and engagement so that revisions to the existing ordinances and regulations can be understood and accepted by the community at large, elected officials, and City staff. It will also require a thoughtful approach to project communication and how this initiative is marketed and presented to the public.

I. DRAFT PUBLIC INVOLVEMENT STRATEGY

The City Planning Department Staff will develop a broad-based Public Involvement Strategy to guide this initiative.

- a. This Strategy will include a timeline outlining key points at which the public will be involved, how this involvement will occur, and how the public can access and share information.
- b. The strategy will employ a variety of methods to achieve meaningful and broad-based public engagement. Consideration will be given to:
 - i. utilizing diverse communication tools for spreading information and raising awareness of events;
 - ii. holding meetings/events at convenient times and locations;
 - iii. utilizing nontraditional formats for public participation; and
 - iv. integrating opportunities for the public to share feedback and exchange information throughout the process.
- c. This strategy will address methods for engaging multiple sectors of the community including but not limited to residents, elected officials, board members, City staff, the development community, and the business community.

II. HOLD OUTREACH BRAINSTORM SESSIONS

Planning Department Staff will facilitate 3 focus groups in the Fall of 2017 to brainstorm and collect feedback on meaningful and innovative methods for community engagement. These focus groups will target City Staff, Community Organizations, and representatives from the local / regional Development Community. Information gathered from these focus groups will be used to help inform and shape the outreach/engagement strategies proposed for the project, as well as the communication/messaging for this effort.

TASK LEAD:

- **Tara Kessler**, Planning Department

INTERNAL SUPPORT:

- **Med Kopczynski**, Internal Consultant
- **Department Heads & Selected Staff** from Code, Planning, Public Works, Parks & Recreation, Fire, Police, Clerk's Office

EXTERNAL SUPPORT:

- **Outreach/Engagement Consultant**
- **Communication Consultant**
- **Project Advisory Committee**

KEY DELIVERABLES:

- **Completion of 3 Brainstorm Sessions**
(Oct – Early Nov 2017)
- **Development of a Public Involvement Strategy**
(Oct - Dec 2017)
- **Development of a project website, Facebook page, twitter account & email list-serv** (Oct - Dec 2017)
- **Establishment of project Advisory Committee**
(Nov -Jan 2017)
- **Development of a Communication Strategy & Project Branding/Marketing**
(Oct - Jan 2017)

III. SELECT OUTREACH / ENGAGEMENT CONSULTANT

Staff will contract with a Consultant skilled in public facilitation processes and community outreach/engagement to play a lead role in organizing and facilitating some of the significant public involvement opportunities. This Consultant would work with staff to organize focus groups, as well as community forums and workshops at key project phases. The Consultant would be responsible for helping staff organize each event, would play a lead role in facilitating and documenting these events, and would summarize the feedback/results of discussions in a report format to share with Staff.

IV. DEVELOP COMMUNICATIONS STRATEGY

The City will work with a Consultant skilled in communications to establish a roadmap for effective communication to facilitate the critical links among people, ideas, and information that are necessary for the success of this project.

- a. This Communication Consultant will assist staff in the development of a communication strategy that will define the project's structure and methods for collecting and sharing information collection on the project and will identify the key communication products and activities for each project milestone.
- b. In partnership with the Consultant, staff will: develop a format for marketing the project to the public; develop key messages and language describing the project goals/objectives; and, will determine the primary channels/vehicles for project communication.

V. ESTABLISH COMMUNICATION TOOLS

Staff, in consultation with the Communication Consultant, will pursue the following vehicles for communicating information on this project:

- a. A web-based interface will be developed for actively sharing information on the project with the public and for collecting feedback/input from the public.
- b. A Facebook page and Twitter account will be established to share information on the project and communicate information about upcoming events/meetings. These web-based resources will be used to share information/content generated to educate and inform the public on the Land Use / Development review process and the concepts of Zoning and Land Use Planning.
- c. Staff will meet with the editors of the Keene Sentinel to discuss opportunities for maintaining coverage of the project in the local paper as the project progresses.
- d. Staff will consider the development of content to be shared with the local radio stations and the local cable access network for keeping the public informed and engaged through all phases of the project.
- e. An email list-serv will be developed for community members wishing to subscribe to project updates and information.

VI. FORM PROJECT ADVISORY COMMITTEE

An Advisory Committee will be appointed by the Mayor to provide guidance to Staff and the selected Consultants throughout the course of the project. This Committee will be composed of representatives from the City's land use boards, local neighborhood organizations, business and development community, community organizations, and other citizens interested in land use activity and development in Keene. The Committee will meet on a periodic / as-needed basis throughout the course of the project.

PUBLIC INVOLVEMENT PLANNING & COMMUNICATION	2017												2018																				
	OCT		NOV				DEC				JAN				FEB				MAR				APR				MAY				JUN		
	3	4	1	2	3	4	1	2	3	4	1	2	3	4	1	2	3	4	1	2	3	4	1	2	3	4	1	2	3	4	1	2	3
1 Hold outreach brainstorm sessions																																	
2 Draft the Public Involvement Strategy																																	
3 Contract with Communication Consultant																																	
4 Contract with Outreach/Engagement Consultant																																	
5 Work with Outreach Consultant to finalize the Public Involvement Strategy																																	
6 Work with Communication Consultant to develop Communication Strategy and project messaging																																	
7 Develop Communication Tools																																	
-Develop and print postcards, banner, posters, etc.																																	
-Develop website and social media for the project																																	
-Draft & issue Press Release about project start																																	
-Meet with Sentinel Staff to discuss opportunities for sharing info throughout																																	
-Conduct Radio & TV Interviews at key milestones																																	
-Ongoing social media, web, print press release																																	
8 Form Project Advisory Committee																																	

REGULATORY REVIEW & ANALYSIS

I. REVIEW OF REGULATIONS

In Phase I of this Project, a technical analysis and evaluation of the City's land use regulations and planning documents was completed. While this evaluation provided a summary of strengths and weaknesses of the City's existing land regulations, Phase II will require a more detailed and comprehensive regulatory analysis. City Staff will build on the analysis completed in Phase I by identifying and addressing weaknesses of the City's land use regulations in terms of: **organization; structure; consistency; definitions; procedures; clarity; and ease of use.**

- a. City Staff will conduct a thorough review of: City Code Chapters (1, 14, 18, 38, 42, 54, 58, 70, 82, 90, 94, 98, 102); the Planning Board Subdivision and Site Plan Regulations; the Planning Board Development Standards; the Historic District Regulations; and, the Complete Streets Design Guidelines to identify technical errors, areas of overlap, need for clarity, inconsistency, and opportunities for consolidation.
 - i. The Planning Department will work closely with staff from other City Departments including but not limited to: Health/Code, Public Works, Fire, and Police to conduct this review. This collaboration with other Departments will take place in a variety of formats including: one-on-one meetings with Department heads and key staff to discuss known issues and review specific regulations and sections of the City Code; group meetings/discussions within Departments; and, group meetings with staff from different departments to discuss how various sections of the Code and regulations interrelate.
 - ii. A framework will be created to guide this review process and to aide in making decisions with respect to reorganization, consolidation, and edits to the existing Code language and structure.

II. ANALYSIS OF ZONING & DEVELOPMENT PATTERNS

- a. Planning Staff will evaluate existing development patterns as compared to the current zoning districts and the Master Plan's Future Land Use Map to determine if reclassification of any districts is necessary.
 - i. Staff will hold 5 neighborhood meetings to gather input on Zoning

TASK LEAD:

- Tara Kessler, Planning Department

INTERNAL SUPPORT:

- Med Kopczynski, Internal Consultant
- Department Heads & Selected Staff from Code, Planning, Public Works, Parks & Recreation, Fire, Police, Clerk's Office

EXTERNAL SUPPORT:

- Land Use Consultant
- NH Land Use Attorney
- Project Advisory Committee

KEY DELIVERABLES:

- Complete Inter- & Intra-Department meetings to review/discuss regulations (Oct 2017 – Mar 2018)
- Summary report of Zoning Variance Analysis (Oct 2017)
- Summary report of Development Pattern Analysis (Early Nov 2017)
- Complete 5 Neighborhood Meetings to Review Zoning Concerns/Opportunities (Nov – Dec 2017)
- Draft recommendations for Zoning Map Changes (Nov 2018 – Mar 2018)
- Complete community workshops on alignment of regulations with CMP goals (Feb – Apr 2018)
- Draft recommendations for changes to Regulations to address CMP goals (Feb – Aug 2018)

Concerns/Opportunities.

- b. Planning Staff will analyze the types of variances and development permits requested in the past decade to determine if a pattern has developed that would give insight into some of the development/land use issues that should be addressed, and develop language to address these issues in the revised regulations.

III. ALIGNMENT WITH MASTER PLAN GOALS

A core component of this project is to ensure that the City's land use regulations align with and serve to promote the goals of the 2010 Comprehensive Master Plan.

- a. Planning Department Staff will conduct an internal review of land use regulations and ordinances to address areas for improvement, and opportunities for advancing Master Plan goals (e.g. public art, water quality, agriculture, etc.).
- b. City Staff in coordination with an Outreach/Engagement Consultant will conduct focus groups with City Commissions, neighborhood groups, organizations, interest groups, etc. to discuss their interests and concerns with the project, and opportunities/ideas for improving the regulations with respect to community goals and interests.
- c. One or more Community Workshops will be held to gather input from citizens on what elements of the Master Plan should be incorporated into the regulatory environment.
- d. City Staff will conduct a community survey and hold open studio hours to inform citizens of the project and collect feedback on what they feel is important to protect, preserve, promote for Keene's future early in the project phases.
- e. City Staff will hold workshop(s) with the Planning Board/PLD to review the Regulations and discuss what has been working, what should be improved or changed.
- f. Planning Staff, in consultation with a Land Use Consultant and NH Land Use Attorney, will draft recommendations for changes to the Planning Board Development Standards and City Code to address this project goal.

	2017												2018																							
	OCT			NOV			DEC			JAN			FEB			MAR			APR			MAY			JUN			JUL			AUG					
	3	4	1	2	3	4	1	2	3	4	1	2	3	4	1	2	3	4	1	2	3	4	1	2	3	4	1	2	3	4	1	2	3	4		
REGULATORY REVIEW & ANALYSIS																																				
Contract with Consultants																																				
1 Complete RFQ process for contracting with a NH Land Use Attorney																																				
2 Complete RFQ process for contracting with a Land Use Consultant																																				
Analyze Existing Conditions & Past Trends																																				
3 Review variances & special exceptions issued over past 10 years and id themes																																				
4 Review and map the types of development approved over past 5 years																																				
5 Analyze the existing Zoning Map and ID potential conflicts & opportunities for map changes																																				
6 Hold 5 neighborhood meetings (East, West, North, South, Downtown) to gather input on Zoning Map																																				
7 Document and discuss findings of this phase with Code/Planning Staff & Other Depts																																				
Regulatory Review																																				
8 Develop framework to guide this review process & to aide in decision making																																				
9 Conduct thorough review of City Code Chapters																																				
10 Hold meetings with relevant City staff to review regulations, address questions, discuss areas for improvement, revisions, etc.																																				
11 Conduct focus group with development community to discuss proposed revisions & solicit input																																				
12 Review & discuss questions on existing regulations & opportunities for improvements with NH Land Use Attorney																																				
Review Regulations to ID Opportunities to Address CMP Goals																																				
13 Conduct internal review of regulations to address opportunities for advancing Master Plan goals																																				
14 Conduct focus groupsto discuss their interests and concerns with the project, and opportunities/ideas for improving the regulations																																				
15 Hold Community Workshop(s) to hear from citizens on what elements of the CMP they would like to see incorporated into the regulatory environment																																				
16 Conduct survey & open studio hours to inform citizens of the project & collect feedback																																				
17 Hold workshop(s) with the Planning Board to review the Regulations discuss what has been working, what should be improved or changed																																				
18 Draft recommendations for changes to the regulations with respect to CMP goals																																				
19 Review proposed changes with NH Land Use Attorney, Planning Board / PLD & Public																																				

INTEGRATION OF CHARACTER BASED ZONING

In Phase I of this Project, the City discussed the opportunity to incorporate Character-Based Zoning in Keene's downtown area. For Phase II, the selected Land Use Consultant will take the lead in drafting a character based zoning district for the City's downtown area with the support of City Staff. This work will involve an analysis of the development patterns and zoning districts within Keene's downtown core to assess how form-based elements can be incorporated into the regulatory context.

I. DEFINE GEOGRAPHIC BOUNDARIES

City Staff will work in consultation with a selected Land Use Consultant and the project's Advisory Committee to determine the geographic extent of the downtown re-zoning effort. The geographic area will be concentrated on Keene's Downtown; however, it could extend beyond the boundaries of the current Central Business District.

II. CONDUCT SITE ANALYSIS

The Land Use Consultant and City Staff will work in coordination and with input from the public and other City Departments to conduct a site analysis of the study area/focus area to document and examine the physical details of the built environment including architectural patterns, streetscape, placement of buildings on lots, size/form/massing of structures, relationships of buildings with the streetscape, etc.

- a. A synoptic survey will be completed as part of this analysis to understand the variation and changes in land use context within this study area.
- b. This phase of the project may involve the public workshop(s)/ walking tour(s) of Downtown to engage citizens and collect feedback.

III. DEVELOP DESIGN PARAMETERS

The Land Use Consultant, City Staff, and the Advisory Committee will work in collaboration to determine design parameters for the integration of character-based elements into the City's Zoning Ordinance and to guide the creation of a downtown Character Based Zoning District.

This process will involve the engagement of and consultation with the public and stakeholder groups such as the development and business community. These opportunities will be further defined as part of the Public Involvement Strategy.

TASK LEAD:

- Tara Kessler, Planning Department

INTERNAL SUPPORT:

- Med Kopczynski, Internal Consultant
- Department Heads & Selected Staff from Code, Planning

EXTERNAL SUPPORT:

- Land Use Consultant
- NH Land Use Attorney
- Outreach / Engagement Consultant
- Project Advisory Committee

KEY DELIVERABLES:

- Establishment of boundary for Downtown Rezoning (*Feb – Early Apr 2018*)
- Complete synoptic surveys of Downtown (*Apr – Jun 2018*)
- Draft Character Based Zoning Ordinance for Downtown (*Apr – Oct 2018*)
- Complete public workshops on Draft Ordinance (*Jun – Dec 2018*)
- Integration of Ordinance into UDO (*Aug – Dec 2018*)

IV. DRAFT ORDINANCE LANGUAGE & STANDARDS

The selected Land Use Consultant will work in consultation with City Staff and a NH Licensed Land Use Attorney to develop draft language for a Character Based Zoning District for Keene’s Downtown. This draft will include the development of visualizations and graphics integrated into the regulatory language.

Planning Staff other relevant City Staff, and the project Advisory Committee will have opportunities to review and comment on the draft versions of this Character Based District Ordinance. In addition, there will be many opportunities for public review and input of the draft Ordinance. These public involvement opportunities will be further defined in the public involvement and communication strategies.

INTEGRATION OF CHARACTER-BASED ZONING		2018																																																						
		JAN				FEB				MAR				APR				MAY				JUN				JUL				AUG				SEP				OCT				NOV				DEC										
		1	2	3	4	1	2	3	4	1	2	3	4	1	2	3	4	1	2	3	4	1	2	3	4	1	2	3	4	1	2	3	4	1	2	3	4	1	2	3	4	1	2	3	4	1	2	3	4							
1	Hold introductory meetings with Land Use Consultant & share information collected to date																																																							
2	Work with Advisory Committee to define draft boundaries of proposed Character Based Zoning area																																																							
3	Conduct a Site Analysis of the proposed Character Based District																																																							
4	Hold public workshop(s)/ walking tour(s) of Downtown to engage citizens in the project and collect feedback																																																							
5	Work with Consultant to draft the text of the District & develop graphics																																																							
6	Present & discuss the proposed changes with the Advisory Committee throughout the process																																																							
7	Review draft changes with the Planning Board/PLD																																																							
8	Review draft ordinance change with the Council																																																							
9	Incorporate draft character based district ordinance into the revised regulations																																																							

UPDATE & REORGANIZATION OF REGULATIONS

City Staff in partnership with a Land Use Consultant will update, re-organize, and re-structure the City's land use regulations into an efficient and easy to use document(s) that will help implement the land use policies and community vision of Keene.

In Phase I of this Project, the preferred strategy identified for conducting this update was a Unified Development Ordinance (UDO). A UDO would combine all of the City's land use related ordinances and standards into one document. As a "true" UDO may not be possible under the context of NH state law, this task will focus on consolidating and reorganizing the City's regulations into as few chapters and documents as possible.

City Staff, in consultation with a selected Land Use Consultant and a Land Use Attorney licensed in the State of NH, will have the responsibility of drafting the proposed changes to the City Code of Ordinances and land use regulations. The focus of the update will be on:

- Eliminating outdated, unclear or contradictory language and the need for frequent interpretations
- Restructuring and consolidating the codes and regulations to address organizational issues and improve usability
- Updating and revising definitions to ensure consistency within and between ordinances and regulations and to provide modern interpretations of terms
- Updating and revising the dimensional, use, and other associated standards of the Zoning Ordinance, and the Zoning Map, to address any potential issues or mismatch between current/proposed development patterns and the regulations
- Updating and revising the regulations to incorporate standards that support the recommendations and elements of the 2010 Comprehensive Master Plan
- Addressing opportunities to streamline the review and approval process
- Improving the format, layout and use of visualizations and graphics in the regulations to make them more readable and easy to understand
- Ensuring compliance with any/all state and federal laws

TASK LEAD:

- **Tara Kessler**, Planning Department
- **Med Koczynski**, Internal Consultant

INTERNAL SUPPORT:

- **Department Heads & Selected Staff** from Code, Planning, Public Works, Fire, Police, & Clerk's Office

EXTERNAL SUPPORT:

- **Land Use Consultant**
- **NH Land Use Attorney**
- **Outreach / Engagement Consultant**
- **Project Advisory Committee**

KEY DELIVERABLES:

- **Draft Outline of UDO** (*Mar – Early Jul 2018*)
- **Draft UDO completed** (*Jan – Aug 2018*)
- **Complete public presentations & workshops on Draft UDO** (*Jul – Dec 2018*)
- **Final UDO draft submitted to Council for approval** (*Nov 2018 – Feb 2019*)

I. DRAFT OUTLINE OF PROPOSED UDO

- a. Planning Department staff will work closely with the selected Land Use Consultant and a Land Use Attorney, other relevant City Departments and staff, and an Advisory Committee to agree on an outline for the revised ordinance(s) and regulations before developing a first draft.
- b. Planning Department staff will work closely with the selected Land Use Consultant and Land Use Attorney, other relevant City Departments and staff, and an Advisory Committee to develop draft versions of the revised regulations and associated documents. Drafts of the proposed changes to the regulations will be available for public review and input. It is anticipated that there will be significant opportunities for the community to review and comment on these drafts outline prior to the adoption process. These public involvement opportunities will be further defined in the public involvement and communication strategies, which will be developed early on in the project.

II. GRAPHIC DESIGN AND DOCUMENT LAYOUT

The selected Land Use Consultant will be responsible for developing illustrations, graphics, tables, and figures that enhance the readability of the regulations and convey specific standards/regulatory concepts. The Consultant will also be responsible for producing a layout for the final regulatory document(s) and packaging any educational/outreach materials associated with the final draft regulations.

UPDATE & REORGANIZATION OF REGULATIONS	2018												2019	
	JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP	OCT	NOV	DEC	JAN	FEB
Develop UDO Outline														
1 Develop an outline for a consolidated set of land use regulations (UDO)														
2 Meet with staff from relevant City Depts to review & discuss proposed outline														
3 Review proposed outline with NH Land Use Attorney for compliance with NH laws														
4 Present proposed outline to Advisory Committee for review / comment														
5 ID areas of regulations where graphics can be integrated														
Develop Graphics / Visualizations to Incorporate into Regulations														
6 Work with Land Use Consultant to develop draft visualizations/graphics														
7 Share graphics / visualizations with Advisory Committee for feedback														
Reorganize / Consolidate Regulations														
8 Consolidate the related regulations into as few documents/chapters as possible & document all changes														
9 Share & discuss proposed changes with City staff/Depts														
10 Discuss proposed changes with NH Land Use Attorney to ensure compliance with state & federal laws														
11 Share proposed changes with Advisory Committee for review & discussion														
12 Present on proposed changes with the Joint Committee														
13 Present on proposed changes at Community Forum(s)														
14 Present on proposed changes to City Council														
13 Incorporate edits and develop final draft of UDO														

IMPROVE APPLICATION & REVIEW PROCESSES

In addition to updating the City's regulations, this project is an opportunity to improve and potentially streamline the application and review process for permits/approvals related to land use activity and development. In this project phase, City Staff, in consultation with a Land Use Consultant, will evaluate the City's existing development application forms and approval process to identify opportunities for streamlining the process as well as opportunities for improving the clarity and readability of related forms and documents. This task may involve the integration of web-based applications / forms.

I. REVIEW OF EXISTING APPLICATIONS/PROCESSES

City Staff will work with the Land Use and/or Outreach/Engagement Consultant to conduct focus groups with citizens and members of development community and with relevant City Staff to discuss opportunities for improving forms/processes.

II. DEVELOPMENT OF RECOMMENDED IMPROVEMENTS

Following these focus groups and an analysis of existing conditions, the Land Use Consultant will provide and discuss recommendations for improving the City's relevant informational materials and application forms and for streamlining procedures/processes.

- a. Staff from relevant City Departments (e.g. Planning and Code) will meet to discuss opportunities for streamlining processes / branding of materials.
- b. City Staff will develop revised application forms and informational materials (print and web-based) to review with other Departments and the public for input/feedback and to discuss opportunities for streamlining processes.

TASK LEAD:

- **Tara Kessler**, Planning Department
- **Med Kopczynski**, Internal Consultant

INTERNAL SUPPORT:

- **Department Heads & Selected Staff** from Code, Planning, Public Works, Police, Fire

EXTERNAL SUPPORT:

- **Land Use Consultant**
- **Project Advisory Committee**

KEY DELIVERABLES:

- Revised Application Forms
(Jun 2018 – Feb 2019)
- Recommendations for Review Process Improvements
(Feb – Nov 2018)

		2018												2019		
		JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP	OCT	NOV	DEC	JAN	FEB	
IMPROVE APPLICATION FORM & REVIEW PROCESSES																
1	Work with Outreach Consultant to conduct a focus group with citizens & members of development community to discuss opportunities for improving forms/process		■	■	■	■	■									
2	Work with Land Use Consultant to improve informational materials & application forms					■	■	■	■	■	■	■	■			
3	Meet with relevant City staff to discuss opportunities for streamlining processes / branding of materials	■	■	■	■	■	■	■	■	■						
4	Revise application forms & informational materials (print & web-based)						■	■	■	■	■	■	■			
5	Review revised forms with staff & community stakeholders for input								■	■	■	■	■	■		
6	Develop recommendations/work plan for streamlining procedures/processes		■	■	■	■	■	■	■	■	■	■	■	■		
7	Complete review of draft Application Forms / Info Materials with City Staff/Depts/ Advisory Comm/ NH Land Use Attorney												■	■	■	■
8	Finalize & institute revised forms & materials												■	■	■	■

ADOPTION PROCESS

Upon completion of final drafts of the revised regulations, City Staff will work with the selected Consultant(s) to begin and complete the adoption process. City Staff and the selected Consultant(s) will be responsible for conducting presentations on the proposed regulatory changes to the relevant City Boards and Commissions. These Boards include but are not limited to Keene’s 15-member City Council, 9-member Planning Board, and 7-member Historic District Commission.

POST ADOPTION

Following adoption of the revised land use regulations and application forms, the selected Land Use Consultant will organize and provide training to City staff, members of land use boards, City Councilors, and interested community members on the adopted changes.

In addition, the selected Land Use Consultant will produce web-based and print-based informational and educational materials on the changes made to the City’s land use regulations and application processes.

TASK LEAD:

- **Tara Kessler**, Planning Department
- **Med Kopczynski**, Internal Consultant

EXTERNAL SUPPORT:

- **Land Use Consultant**
- **Project Advisory Committee**
- **City Council**
- **Planning Board**
- **Historic District Commission**

KEY DELIVERABLES:

- **Adopted UDO & Character Based Zoning**
(Jan – Jul 2019)
- **Complete trainings on new regulations for City Staff & Public** *(Apr – Jul 2018)*
- **Development of educational materials on new regulations** *(Apr – Jul 2018)*

ADOPTION & POST ADOPTION PROCESS		2019																							
		JAN				FEB				MAR				APR				MAY				JUN			
		1	2	3	4	1	2	3	4	1	2	3	4	1	2	3	4	1	2	3	4	1	2	3	
	Complete Adoption Process																								
1	Submit proposed City Codes Changes to City Council for Approval																								
2	Submit proposed Planning Board Regulations/Standards to Planning Board for public hearings and approval																								
3	Submit proposed Historic District Reg. Changes to HDC for Public Hearings and Approval																								
	Post-Adoption Education																								
4	Finalize and promote educational / info materials on the changes (materials will be print and web based)																								
5	Develop and Host Training for City Staff, Boards, Citizens on Amendments to the Regulations																								

THIS PAGE IS INTENDED TO BE BLANK.



Joint Planning Board /
Planning, Licenses & Development Committee

2018 Meeting Schedule

All meetings are on the 2nd Monday of each month at 6:30PM
in the 2nd floor Council Chambers, unless otherwise stated

Monday, January 8

Monday, February 12

Monday, March 12

Monday, April 9

Monday, May 14*

Monday, June 11

Monday, July 9

Monday, August 13

Monday, September 10

Tuesday, October 9*

Tuesday, November 13*

Monday, December 10

*Meeting dates subject to change