



## **AGENDA**

### **Joint Planning Board and Planning, Licenses & Development Committee**

**Monday April 9, 2018**

**6:30 PM**

**Council Chambers**

1. Roll Call
2. Approval of meeting minutes – **February 12, 2018**
3. Public Workshop

**Ordinance – O-2018-02 Relating to Amendments to Sign Regulations  
(Chapter 102 Article VIII)**

– Petitioner, City of Keene, proposes to amend Article VIII Sign Regulations of the Keene Zoning Ordinance to be consistent with the United States Supreme Court ruling in Reed v. Town of Gilbert, Arizona, and to address sign regulations for the Business Growth and Re-Use, Neighborhood Business, and Residential Preservation Zoning Districts. Additional amendments are proposed to this Article at the recommendation of the Code Enforcement Department.

4. Next Meeting - **Wednesday, May 16, 2018**
5. Adjourn

**CITY OF KEENE  
NEW HAMPSHIRE**

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

Monday, February 12, 2018

6:30 PM

Council Chambers

**Planning Board Members Present**

Gary Spykman, Chair  
Andrew Bohannon  
Mayor Kendall Lane  
Nathaniel Stout  
Chris Cusack  
Pamela Russell Slack  
Martha Landry  
Councilor George Hansel

**Planning Board Members Not Present**

Douglas Barrett, Vice-Chair

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

Councilor David Richards, Chairman  
Councilor Bart Sapeta  
Councilor Margaret Rice  
Councilor George Hansel

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

Councilor Philip Jones  
Councilor Bettina Chadbourne

**Staff Present**

Michele Chalice, Planner

**1. Roll Call**

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

**2. December 11, 2017 meeting minutes**

A motion was made by Mayor Kendall that the Joint Committee accept the December 11, 2017 meeting minutes. The motion was seconded by and was unanimously approved.

**3. Presentation on “There’s No Place Like Home: A Critical Analysis of the Millennial and Student Housing Markets in Keene”** by Keene State College Geography Students Mark Landolina, Kevin Saline, and Kathryn Van Veen, and Faculty Mentor, Dr. Christopher Cusack

Planner Michele Chalice addressed the Committee first and stated in 2016 the Joint Committee identified priority strategies of the 2010 Comprehensive Master Plan. Two of these priority strategies included: facilitating more options for workforce housing, and retaining younger individuals in the community. Based on this, the Joint Committee invited Keith Thibault of Southwest Community Services to present at a meeting in 2016 on how Keene can expand the diversity of its housing stock. The presentation today ties into this topic and will explore a particular segment of the housing market in Keene – that of millennials.

Mark Landolina, Kevin Saline, and Kathryn Van Veen were the three presenters from Keene State College. Kevin Saline spoke first. He noted that the presentation was going to cover the current shift in millennials and college student demographics in Keene and how this shift is impacting the housing market in Keene. Some of the information presented was collected from surveys of millennials, college students, and a separate focus group.

Millennials are considered those born between 1982 and 1998. There are four common milestones of adulthood: getting married, having children, working and living independently. Mr. Saline compared two different groups of people – those who were 25 to 34 years of age in 1975 and the same age bracket in 2016. 50% of young people in 1975 had nearly all of these milestones completed compared to only 25% in 2016. Millennials are getting married later in life and are having fewer children, which calls for different housing options compared to prior generations. They would rather have low cost apartments with room-mates than a four bedroom home with a picket fence. He noted millennials have the capacity to bring about a certain kind of vitality to a city.

Mr. Saline referred to a map and noted in New England millennial growth has been rather sparse, based on IRS data gathered between 2011 and 2015. This map indicates those millennials who are truly independent and are not dependent on parents or attending college. New Hampshire has seen a net gain of 900 compared to Massachusetts and Connecticut who are carrying a negative number. Keene during this five year period has seen no growth but rather, its millennial population has declined by approximately 73 people, which is not a large number but it infers stagnation.

Another decline in the City of Keene is the decline of college students. Keene State College saw a decline of 18% (900 students) but UNH on the other hand saw an increase of 2%. This decline at Keene State causes an increase in available student rental housing which could now be turned into other opportunities for buyers. Perhaps these units could be marketed to the millennial generation.

Mr. Landolina was the next presenter who talked about the current housing market in the city. Old houses provide for a sense of history but could also present some concerns for the city. Historical homes lack the modern amenities millennials are looking for. Mr. Landolina focused on the central business district which has a higher number of 20 year old residents. This is mostly because of the college housing that exists in this area. This area is also comprised of higher volume of renters. Older homes and higher volume of renters are focused in east Keene in the central business district. The best way to attract millennials is to focus on neighborhood revitalization.

Mr. Landolina went on to say that there has been a change to the housing market in the past ten years. He referred to a graph for the period between 2006 and 2010; owner occupied single family housing is at 39%, renter occupied multi-family dwelling is also at 39%.

Between 2011 and 2015 there was a shift to more owner occupied single family homes and Mr. Landolina felt this trend could attract more millennials to east Keene.

Ms. Van Veen was the next speaker. She talked about the interviews this group conducted. She noted the purpose of the focus group was to have an informal conversation about living in Keene as a millennial.

With respect to housing, the consensus was that Keene is expensive and the quality of housing is an issue. There was an argument that taxes are what is causing the price of rentals, but on the other hand millennials also don't want the burden of owning a home and being tied down. There was also the notion that the dependability of student rentals is what is driving rental prices. When asked about housing revitalization, landlords indicated because of the high turnaround

renovations is not worthwhile to make when there is such high turnaround with students. Many young professionals did agree college students negatively impact housing decisions. While they don't mind living in a mixed use zoning they would not want to live in the same unit.

With respect to employment, the focus group noticed there is an issue with employment, there are many hiring signs but nothing that provides for a livable wage. One of the key quotes from the focus group is that there is an oversaturation of highly educated individuals but there are many unskilled jobs available. Hence, Keene State College and Antioch University graduates are seeking employment outside of Keene. The focus group also agreed the increase to green energy, energy security, technology and eco-tourism could help more people to stay after graduation.

With respect to recreation, the focus group had a positive feeling about this item. There is not much Keene needs to do about recreation but there is a lot to do in the way of advertising events. The group agreed there is something for everyone to do in Keene.

Mr. Landoline talked about the survey they sent out. What the survey concluded is that millennials are dissatisfied with housing in Keene; types of housing, quality of housing all average below three stars (five being the highest). Millennials are also dissatisfied with overall salaries, job availability and selection of jobs (1.6 stars).

He then referred to three pie charts which represented three different groups of millennials. 74% of millennials who own their home say they are living in the ideal living situation. In contrast only 33% who rent a home are living in an ideal situation. 25% who rent an apartment are living in their idea living situation. He noted that significant financial barriers caused by student loans, credit and salary are preventing more millennials from owning homes.

When millennials were asked whether they would move in the next years, 75% said they would. According to the survey, the millennials who want to live in Keene would like to live close to Central Square. Keene is a beautiful town is the reason most choose to live in this city; it has a lively downtown, numerous recreational activities, and a perfect mix or urban and suburban life.

Mr. Saline then addressed the survey they completed with college students. Close to 86% of upper classmen live off campus. Many of the students who were surveyed lived adjacent to the college. One of the questions on the survey was for the students to compare the quality of life in their neighborhood versus the rest of Keene. Students who live off campus housing viewed their neighborhood as same or of higher quality in comparison to the rest of Keene. He felt what the survey also told them is that the quality of the neighborhood really does not matter to a college student or they are not too concerned about their neighborhoods, which could cause the decline of these neighborhood standards.

The students were also asked what type of housing they preferred; nearly 49% would choose to live in a single-family house, 44% were split between multi family, apartment and dorm rooms.

The next question was post-graduation plans. 65% indicated they would not stay in Keene, 32% were unsure, and 3% said yes. Some of the reasons for leaving Keene include that they wanted to go where their jobs took them, they were moving back in with their parents, or they wanted to explore more. As far as the majority of the type of housing they were looking for – 30% wanted to rent.

In conclusion, Ms. Van Veen stated most of the college students are satisfied with their housing. 16% were neutral about living in a mixed-use neighborhood, 55% wanted to live in student only neighborhoods, and 29% wanted to live in a mixed-use neighborhood.

For millennials those who wanted to live in a mixed-use neighborhood was 36%, 21% did not want to live in a mixed-use neighborhood and 17% were not sure. Both millennials and students would be fine living in a mixed use neighborhood. Mixed use neighborhood is defined as a number of different types of people from all walks of life living together. Ms. Van Veen stated what they have been able to surmise from the survey is that a majority of students are satisfied with their off campus living arrangements but with the decline of Keene State enrollment there might be an excess of Keene State housing which could make room for young professionals to live downtown.

The key finding from the survey is that students prefer to live in houses rather than in apartments or dorms and this could be because they prefer to live independently and increase their social life. According to the survey 95% of young professionals would like to own a home someday so this could be a discrepancy between the survey versus the research.

Another item to note is “housing flip” – homes that used to be student rentals are now being turned into single family homes. Ms. Van Veen referred to homes in east Keene to support this finding which she felt was quite promising. With the decline in enrollment, this could be an opportunity for young professionals.

Overall millennial satisfaction with Keene’s housing is inadequate and this is due to the rental cost versus the quality and the other reason is the cost of property taxes. There is an overall housing satisfaction between millennial renters and homeowners. In regards to what Keene provides, live and work are bigger concerns for millennials than is play.

In closing the students thanked those who helped with this project.

Ms. Russell Slack thanked the students for their presentation.

Councilor Hansel thanked the students as well and noted he served on this focus group. He also stated that he serves on the Governor’s Millennial Advisory Council where housing is one of the areas being discussed and stated he would be sharing this presentation with that group and this group would be holding sessions throughout the region as well and wanted to keep these students in the loop.

Councilor Stout asked how millennials are defined. Mr. Saline stated millennials are those born between the period of 1982 to 1998 and it is considered a generation.

Mr. Bohannon commended the students as well and noted he is responsible for the “play” aspect in the city. He asked how recreation should be advertised in the city. The group felt radio and social media were best options.

Mayor Lane commended the presentation. He asked during the focus groups and interviews whether the availability of jobs in connection with housing was discussed. Ms. Van Veen stated this issue is like a double edge sword, you can’t have one without the other – they are looking for both; not mainly the quality of the housing but mostly a job that could afford the housing. It doesn’t need to be perfect but they would like a balance. They like the mixed use factor as well.

Councilor Sapeta stated the information the students presented tonight has already been shared with many groups in the city and commended the presentation. He went on to say taxes are mentioned a lot and felt looking at some incentives for young people to offset that burden would be prudent. He asked what these students would like to see with that aspect.

Mr. Saline stated Trinity College in Connecticut did have an incentive if graduates stayed in the region after graduation they were given a tax break on their housing.

Ms. Landry commended the presentation and asked whether the survey group consisted only of college students and college educated individuals. Mr. Langoline stated they went with the Keene Young Professionals group and used their Facebook group to seek out people to interview. He noted not too many college students participated in the survey. He added most who participated in the survey have a bachelor's degree or a master's degree, and about 50% attended Keene State College or Antioch University.

Ms. Landry noted one of the items discussed in the presentation was about fixing older homes but with that there is also the issue of those who then won't be able to afford those homes anymore - she considers Keene to be a fairly blue collar community. Ms. Van Veen stated the good thing about Keene is there is that support system. However, what they noticed is with millennials, there are those who make too much to be able to qualify for subsidized housing. She indicated the goal of this project was to focus on these types of people.

Ms. Russell Slack asked whether the survey or group discussion showed why people have poor credit. Mr. Langoline stated they did not ask them that specific question but this seems to be the trend nationwide, where college graduates are trying to build credit. Ms. Russell Slack stated what she sees is these students signed on to loans without really knowing what they were getting into; student loan never goes away and if they are not paying back their student loans it could become an issue with their credit. She hoped there is something the federal government could do to address this.

Mr. Stout stated he and his wife have lived in this community for over 30 years and when he thinks back at what they have had to do, it has been difficult. He asked what can be done to preserve this community and what can be done to retain the millennials. Mr. Saline stated for him personally, after graduation he would be depending on his parents for a short period of time and hence will be returning home and felt this seems to be the trend for many.

Ms. Van Veen stated there are great small businesses in Keene and felt these businesses should be provided with incentives to enable them to hire more college graduates.

Dr. Cusack commended the work these students have put into this project and the work ethic they have displayed in producing such a great project. He also thanked city staff who helped with this project.

Chair Richards stated he was surprised to hear about the desire to fix up older homes and was under the impression the younger generation wanted to make things simpler. He too applauded the presentation.

**4. Approve changing the May 2018 meeting date to May 16 –**

A motion was made by Councilor George Hansel to change the meeting date to Wednesday, May 16. The motion was seconded by Andrew Bohannon and was unanimously approved. This change of meeting date was due to a conflict with City Council Budget Meetings in May.

**5. Next Meeting – March 12, 2018.**

**6. Adjourn**

The meeting adjourned at 7:25 pm.

Respectfully submitted,  
Krishni Pahl,  
Minute Taker

Reviewed by: Tara Kessler, Planner



# APPLICATION TO AMEND THE ZONING ORDINANCE

Petitioner City of Keene Date February 8, 2018

Address 3 Washington Street, Keene NH

Telephone (603) 352-5440 Email: jrogers@ci.keene.nh.us

Existing Section Reference in Chapter 102, Zoning Ordinance ARTICLE VIII. - SIGN REGULATIONS

Does the amendment change the existing "Minimum Lot Size" Yes  No

Does the amendment change the existing "Permitted Uses" Yes  No

Brief Description of Proposed Change The proposed change would update the current sign code in line with recommendation due to the Supreme Court ruling in the Reed vs Town of Gilbert case. Also being addressed are the new Business Grown& Re-use Neighborhood Business zones created along the Marlboro Street corridor while also addressing other areas on recommendations from the Code Enforcement Department.

  
\_\_\_\_\_  
Petitioner's Signature

**Submittal Requirements which must be complete at the time of submission to the City Clerk.**

- A properly drafted Ordinance containing the amendment in a form meeting the requirements of the City Clerk.
- A typed or neatly printed narrative explaining the purpose of, effect of, and justification for the proposed change(s).
- \$100.00 application fee.
- As provided for in RSA 675:7, if the proposed amendment would change the minimum lot sizes or the permitted uses in a zoning district, and such change includes 100 or fewer properties, the Petitioner shall submit a notarized list of property owners affected by the zoning amendment. If the proposed amendment changes the boundary of a zoning district, the Petitioner shall submit a notarized list of all property owners within the zoning district directly affected by the proposed boundary line change, and of all property owners outside of the zoning district that abut the proposed boundary line change.





# CITY OF KEENE

In the Year of Our Lord Two Thousand and EIGHTEEN.....

AN ORDINANCE ..... Relating to Chapter 102 Zoning Code Article VIII Sign Regulations .....

*Be it ordained by the City Council of the City of Keene, as follows:*

That the City Code of the City of Keene, New Hampshire, as amended, is hereby further amended by inserting the bolded text and eliminating the stricken text in Article VIII Sign Regulations of Chapter 102 entitled Sign Regulations as follows:

## ARTICLE VIII. - SIGN REGULATIONS DIVISION 1. - IN GENERAL

### AMENDMENT #1

#### Sec. 102-1282. - Definitions.

The following definitions shall govern this article:

*Building directory sign:* A wall sign composed of individual smaller panels which identify businesses, occupants, owner(s) and/or the property manager. ~~Such building directory signs may set forth the occupation or other address information but shall not contain any advertising.~~

*Building frontage:* That portion of a building used to calculate the allowable signage. There are three types of building frontage that are relevant for purposes of this article:

- (1) *Parking lot building frontage:* Frontage along a building wall facing a parking lot that conforms to an approved site plan or the City of Keene Zoning Ordinance (hereinafter "zoning ordinance"), said building wall having an entry to the building that conforms to all applicable building and fire codes.
- (2) *Primary frontage:* Frontage along the narrowest point of a lot or parcel where the building wall faces a street or right-of-way that is determined to be of primary importance ~~(for purposes of ingress and egress)~~ to the business establishment occupying the premises, ~~said street or right-of-way being the same as the street address.~~
- (3) *Secondary frontage:* Frontage along a point of a lot or parcel where the building wall is parallel to a street or right-of-way that is of secondary importance to the business establishment occupying the premises ~~for purposes of ingress and egress.~~
- (4) *Tenancy frontage:* A line parallel or facing the parking lot building frontage, primary frontage or secondary frontage and defined by an extension of the tenant separation walls.

*Bulletin board:* A sign used for the posting of bulletins, notices, announcements, or other messages, ~~by a noncommercial organization.~~

*Construction sign:* A sign ~~advertising the architect, engineer or contractors, donors or financial institution for a building or project,~~ when such sign is placed upon the site under construction.

~~Primary sign: In the case of a single business establishment, a primary sign is a sign that sets forth the name and nature of that business. In the case of a development, a primary sign is a sign that sets forth the name and nature of that development.~~

**Snipe sign: Means any sign, generally of temporary nature, made of any material, when such sign is tacked, nailed, posted, pasted, glued or otherwise attached to trees, poles, stakes, fences, or other objects not erected, owned and maintained by the owner of the sign.**

AMENDMENT #2

**DIVISION 2. - APPLICATION PROCESS**

Sec. 102-1287. - Signs excepted from permit requirement.

The following signs shall not require a sign permit unless otherwise provided in this article. Such signs shall conform to all building, structural, and electrical codes and regulations of the city. Building permits may be required to erect such signs even though the signs do not require a sign permit.

- (8) ~~Business signs.~~ No sign permit shall be required for signs displaying ~~the name of a business establishment~~ when said sign is attached or otherwise affixed to the business frontage in a covered common walkway of a shopping center, provided the area of such sign shall not exceed four square feet.

AMENDMENT #3

**DIVISION 4. - PERMISSIBLE AND PROHIBITED SIGNS**

Sec. 102-1292. - Prohibited signs.

The following signs shall be prohibited:

- (18) ~~Reserved.~~ **Snipe signs**

AMENDMENT #4

**DIVISION 6. - SPECIFIC REGULATIONS FOR INDIVIDUAL SIGNS**

Sec. 102-1301. - Temporary signs.

- (a) *Permit requirement for temporary signs.* A permit shall be required prior to the erection, construction, relocation, alteration or maintenance of temporary signs on property located in every zoning district of the city, unless specifically excepted from the permit requirement as set forth below. Permits for temporary signs shall authorize the erection, construction, relocation, alteration or maintenance of said signs for a period not exceeding 14 days, at which time they shall be removed. A subsequent temporary sign permit in any one calendar year may be issued only after the previous temporary sign permit has expired and the sign has been removed for at least 30 days. Only four temporary sign permits shall be issued in any one calendar year to the same property owner or applicant. A single permit for a temporary sign shall include all such temporary signs on the premises. The signs must be in conformance with the provisions of this article as well as all applicable building, structural, and electrical codes and regulations of the city.
- (b) *Exceptions to permit requirements for temporary signs.* The following temporary signs shall be excepted from the sign permit requirement set forth above:

- (1) ~~Agricultural signs. No sign permit shall be required for the erection, construction, location, or maintenance of signs advertising the sale of agricultural produce that is grown, raised, and/or harvested on the premises where such sale is permitted. However, there shall be no more than four signs on said premises at any one time and each shall not exceed four square feet in area. One temporary sign with a sign face no larger than 6 square feet are allowed per lot in the Agriculture, Rural, Low Density, Medium Density, High Density, Office, Residential Preservation and Central Business districts. One temporary sign with a sign face no larger than 32 square feet are allowed per lot in all other districts not listed above.~~
- (2) *Mobile vendor signs.* No sign permit shall be required for the erection, construction, relocation, or maintenance of temporary mobile vendor signs provided said vendors are properly licensed, and actually selling merchandise on the premises. No permanent mobile vendor signs are permitted. The total aggregate area of all such signs shall not exceed 12 square feet.
- (3) *Business relocation signs.* No sign permit shall be required for the erection, construction, relocation, or maintenance of temporary business relocation signs advertising the relocation of a business enterprise from the premises to a new location within the city, provided the area of any such sign shall not exceed 24 square feet, and shall be removed within 45 days after the business has been relocated.
- (4) *Construction signs.* No sign permit shall be required for the erection, construction, relocation, or maintenance of one sign with any development when building permits have been issued, provided the area of any sign shall not exceed 48 square feet, and shall be removed within 20 days after the last structure has been initially occupied or upon expiration of the building permit, whichever is sooner.
- (5) *Temporary event signs.* No sign permit shall be required for the erection, construction, relocation, or maintenance of temporary event signs, subject to the following conditions or limitations:
- a. Zoning districts. Temporary event signs are only permitted in commerce and central business limited districts of the city.
  - b. Setbacks. Temporary event signs shall not be placed in or within ten feet of any travel lane or driveway, nor within the sign setback lines established in this article.
  - c. Illumination. Temporary events signs shall not be internally or externally illuminated.
  - d. Multiple sites for periodic events. Temporary events signs shall be separated from other sites containing other actively permitted periodic event signs by a 1,000 foot separation as measured from property line to property line.
  - e. Size limitations. Temporary events signs shall be a maximum of four feet by eight feet and shall comply with all applicable codes and regulations.
  - f. Duration of signage display. Temporary events signs may be displayed for up to two weeks prior to the event plus the duration of the event, but shall be removed within 24 hours after the event concludes.
- ~~Sign permit required for erection of sign structure and replacement of sign face. A sign permit shall be required, but no permit fee will be assessed, for the erection of a sign structure and/or the replacement of a sign face for a periodic temporary events sign. Written permission of the property owner where the sign is to be located must be submitted to the department in conjunction with a sign permit application.~~
- g. Signs for street fairs or community events. Please refer to chapter 46, licenses and permits, article XVIII, street fairs or community events, which governs the permitting process, approval of uses, registration, and participation and permit fees for street fairs and community events.
- (6) Posters, bulletins, banners, notices. No sign permit shall be required for the display of posters, bulletins, banners, notices inside windows, and other similar temporary signs displayed inside windows, provided the sign is not otherwise prohibited by this article and provided the total area

of such sign does not exceed ten percent of the total window area of any building elevation of any building, up to a maximum total area of ten square feet on each building elevation.

- (7) ~~Real estate signs. No sign permit shall be required for the erection, construction, relocation, and maintenance of real estate signs, provided such signs are removed within 14 days after the sale, lease, or rental transaction has been completed. Temporary real estate signs shall be located on the property that is for sale or for lease, and only one such temporary real estate sign shall be permitted per property. Temporary real estate signs for the sale, lease, or rental of residential property, shall not exceed 6 square feet. Temporary real estate signs for the sale, lease, or rental of commercial property shall not exceed 32 square feet. In the central business district, all temporary real estate signs for the sale, lease, or rental of any property shall not exceed six square feet. Off-site open house signs are permitted but must be removed by the end of the day of the open house.~~

#### AMENDMENT #5

##### Sec. 102-1304. - Development signs.

All development signs shall be subject to the following provisions in addition to any limitations or conditions set forth elsewhere in this article:

- (1) *Location.* One development sign shall be allowed for every access road to a development as defined in this article. If more than one access road to a development exists, the development signs for said development shall be a minimum of 300 feet apart. The development sign(s) shall be located at the intersection of a state numbered highway and the street or access road which provides access to the development. The development sign may be located on the side of the road or in an island if the road is divided. The sign shall be located either on public land or private land owned by the developer. If a development sign is located on private land, said land must be owned by and a part of the development. If the development sign is located within a city right-of-way, city council permission shall be required prior to the erection and construction of said sign.
- (2) *Lot ownership.* If a development is owned by more than one person, the application for a sign permit shall be signed by all persons that represent more than 80 percent of the land of the development.
- (3) *Sign copy.* All sign copy for a development sign shall be a minimum of eight inches in height and a maximum of 18 inches in height. ~~The development sign shall only contain the name of the development.~~
- (4) *Height.* Development signs shall not be more than ten feet in height.
- (5) *Temporary signs.* No temporary sign shall be affixed to, attached to, or otherwise hung from a development sign or any part thereof, including the sign structure.
- (6) *Sign area.* No development sign shall exceed 50 square feet.
- (7) *Type of sign.* All development signs shall be freestanding signs.
- (8) *Illumination.* Development signs may only be externally illuminated.

#### AMENDMENT #6

##### Sec. 102-1306. ~~Education signs.~~ **Reserved.**

~~Educational signs shall only be approved for degree granting post secondary colleges or universities and must be issued by the city council under such terms and conditions as it may reasonably require.~~

AMENDMENT #7**DIVISION 7. - DISTRICT REGULATIONS****Sec. 102-1310. - Signs in office district, neighborhood business district, and legal non-conforming commercial property in any district.**

Unless otherwise provided in this article, a sign permit shall be required for all signs erected, constructed, or relocated in the office district of the city. All such signs shall conform to the provisions specified herein in addition to any other conditions or limitations set forth in this article. Signage for the office district, **neighborhood business district and legal non-conforming commercial property** will be calculated at one square foot of signage per linear foot of primary building frontage. On secondary building frontages, signs are calculated at .5 square feet signage per linear foot. On parking lot building frontages, signs are calculated at .25 square feet signage per linear foot. In multi-tenant buildings, the aforementioned calculation of the maximum allowable area shall be based on the tenancy frontage.

- (1) *Parallel signs.* Parallel signs shall be subject to the following restrictions:
  - a. Area. The total area of a parallel sign shall not exceed 12 square feet per business, with a maximum of 36 square feet per building.
  - b. Limitation of placement and area. No parallel sign shall cover any portion of any building wall opening or project beyond the ends or top of the wall.
  - c. Maximum height. A parallel sign shall not extend above the bottom windowsills of the second story above grade plane of any building.
  - d. Minimum height. No parallel sign shall be permitted at a height of less than seven feet above the grade.
  - e. Projection. No parallel sign shall project more than 12 inches from the face of the building wall to which it is attached and shall not project beyond the end or top of the building wall.
  - f. External illumination. Externally illuminated parallel signs shall not be illuminated until the start of business or 8:00 a.m., whichever is later, and shall cease to be illuminated at the end of the business day or 9:00 p.m., whichever is later.
- (2) *Freestanding signs.* Freestanding signs shall be subject to the following restrictions:
  - a. Number. Only one freestanding sign structure may be permitted per frontage. At no time shall there be more than two freestanding signs per lot.
  - b. Area. The area of any freestanding signs shall not exceed one square foot per five linear feet of lot frontage. The total area of any freestanding sign shall not exceed 20 square feet in area.
  - c. Height. Freestanding signs shall not exceed eight feet in height for the sign structure and six feet in height for the sign when placed within one-half (.5) of the district setback, and such signs shall not exceed 14 feet in height for the sign structure and 12 feet in height for the sign when placed beyond this line.
  - d. Proximity to property line or entrance/exit. No freestanding sign shall be located closer than ten feet to any public right-of-way and/or within ten feet of a building entrance/exit.
  - e. External illumination. Externally illuminated freestanding signs shall not be illuminated until the start of business or 8:00 a.m., whichever is later, and shall cease to be illuminated at the end of the business day or 9:00 p.m., whichever is later.
- (3) *Temporary signs.* Temporary signs are prohibited in the office district.
- (4) *Projecting signs.* Projecting signs shall be subject to the following restrictions:
  - a. Substitution. If a projecting sign is used, no freestanding sign shall be permitted.
  - b. Number. There shall be no more than one projecting sign per primary business frontage.

- c. Area. The total area of a projecting sign shall not exceed ten square feet.
- d. Projection. The maximum projection of a projecting sign beyond the building line shall not exceed four feet.
- e. Minimum height. The lower edge of a projecting sign shall be at least eight feet above the grade.
- f. Maximum height. A projecting sign shall not be placed or extend beyond the first story above grade plane.
- g. Sign copy. Sign copy shall not be less than one inch nor more than 12 inches in height.

### AMENDMENT #8

Sec. 102-1311. - Signs in commerce, commerce limited, **business growth and re-use** and central business limited districts.

Unless otherwise provided in this article, a sign permit shall be required for all signs erected, constructed, or relocated in the commerce, commerce limited **business growth and re-use**, and central business limited districts of the city. All such signs shall conform to the provisions specified herein in addition to any other conditions or limitations set forth in this article. Signage for the commerce, commerce limited and central business limited districts will be calculated at two square foot of signage per linear foot of primary building frontage. On secondary building frontages, signs are calculated at one square foot signage per linear foot. On parking lot building frontages, signs are calculated at .5 square feet signage per linear foot. In multi-tenant buildings the aforementioned calculation of the maximum allowable area shall be based on the tenancy frontage.

- (1) *Parallel signs.* Parallel signs shall be subject to the following restrictions:
  - a. Limitation of placement and area. No parallel sign shall cover any portion of a wall opening, nor project beyond the ends or top of the building wall.
  - b. Area. The total area of one or more parallel signs shall not exceed 200 square feet.
  - c. Projection. Except for marquee signs, no parallel sign shall project more than 12 inches from the face of the wall to which it is attached
  - d. Minimum height. No parallel sign shall project into a vehicle or pedestrian right-of-way at a height of less than seven feet above grade.
- (2) *Freestanding signs.* Freestanding signs shall be subject to the following restrictions:
  - a. Number. Only one freestanding sign shall be permitted per frontage. At no time may there be more than two freestanding signs per lot.
  - b. Area. The total area of any such sign shall not exceed one square foot per one linear feet of frontage or a total of 100 square feet. In the commerce district, if the frontage is greater than 300 feet, then the maximum allowable sign area may be no more than 200 square feet.
  - c. Height. Freestanding signs shall not exceed 14 feet in height when placed within one-half of the district setback line and 18 feet in height when placed beyond this line.
  - d. Proximity to street property line and/or entrance/exit. Freestanding signs located closer than ten feet from the street property line and closer than ten feet from an entrance or exit are not permitted.
- (3) *Menu board and changeable copy signs.* Menu board and changeable copy signs shall be restricted as follows:
  - a. Number. Only one menu board sign and one changeable copy sign shall be permitted per lot or site frontage.
  - b. Area. A menu board or changeable copy sign may be either a parallel or

freestanding sign. A menu board sign is in addition to the number of signs specified above. The area of either or both shall be included in the total area allowed based on building area or tenant area calculations.

- c. Height. A menu board sign shall not exceed six feet in height. A changeable copy sign shall not exceed 12 feet in height.
  - d. Limitation of placement. A menu board sign shall not be located in the front setback.
  - e. Projection. A parallel sign which is also a menu board or a changeable copy sign shall not project more than one foot from the face of the wall to which it is attached.
- (4) *Banners*. Notwithstanding the restrictions set forth in sections 102-1292 and 102-1301, banners are permitted in the commerce district subject to the following restrictions:
- a. Location. Banners may be located at shopping centers/plazas in the commerce district that have a minimum of 200 feet frontage.
  - b. Numbers. A maximum of two banners may be mounted per pole. The poles for said banners shall be relocated on the property line common with the city right-of-way. There shall be a minimum of 60 feet between each pole containing banners.
  - c. Copy. Sign copy for all banners shall be limited to the logo/emblem and/or the name of the shopping center/plaza. Copy identifying individual stores is prohibited.
  - d. Height. Banners shall be no more than of 18 feet higher than the first story above grade level and no less than ten feet higher than the first story above grade level.
  - e. Size. Each banner shall be a maximum of 16 square feet. The square footage of any banner shall be added to the maximum allowable area for a freestanding sign.
  - f. Height. The lower edge of a banner shall be at least eight feet above the grade directly beneath the sign as measured from the lowest point where the grade meets the building line on the facade to which the sign is attached. The maximum height to the top of such a sign, as measured from the lowest point where the grade meets the building line on the facade to which the sign is attached, shall not exceed 18 feet.
  - g. Materials. Banners shall be constructed of cloth, canvas or other material treated to withstand inclement weather.
  - h. Mounting. Banners are to be safely mounted so as to withstand winds, storms, etc.
- (5) *Projecting signs*. Projecting signs shall be subject to the following restrictions:
- a. Number. There shall be no more than one projecting sign per tenancy frontage.
  - b. Area. The total area of such a projecting sign shall not exceed 20 square feet.
  - c. Projection. The maximum projection of such sign beyond the building line shall not exceed four feet.

## AMENDMENT #9

### Sec. 102-1315. - Signs in agricultural/conservation/**residential preservation** district.

Unless otherwise provided by state law, no signs shall be permitted in the conservation district. Unless otherwise provided in this article, a sign permit shall be required for all signs erected, constructed, or relocated in the agricultural district and **residential preservation district** of the city. All such signs shall conform to the provisions specified herein in addition to any other condition or limitation set forth in this article. Signage for the agricultural district **and residential preservation district** will be calculated at one square foot of signage per linear foot of primary building frontage. On secondary building frontages, signs are calculated at .5 square feet signage per linear foot. On parking lot building frontages, signs are calculated at .25 square feet signage per linear foot. In multi-tenant buildings the aforementioned calculation of the maximum allowable area shall be based on tenancy frontage.

- (1) *Parallel signs.* Parallel signs shall be subject to the following conditions:
  - a. Limitation of placement and area. No parallel sign shall cover any wall opening, nor project beyond the ends or top of the building wall.
  - b. Projection. No parallel sign shall project more than one foot from the face of the wall to which it is attached.
- (2) *Freestanding signs.* Freestanding signs shall be subject to the following restrictions:
  - a. Number. Only one freestanding sign shall be permitted per lot.
  - b. Area. The total area of any such sign shall not exceed 32 square feet.
  - c. Height. Freestanding signs shall not exceed 12 feet in height.

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Kendall W. Lane, Mayor



**The Ordinance**

This Ordinance proposes to amend Article VIII (Sign Regulations) of the City’s Zoning Ordinance to be consistent with the U.S. Supreme Court ruling in *Reed v. Town of Gilbert*, Arizona, and to address sign regulations for the Business Growth and Re-Use, Neighborhood Business, and Residential Preservation Zoning Districts. Additional amendments are proposed to this Article at the recommendation of the Code Enforcement Department. The Ordinance is introduced by the City of Keene.

In its review of this zoning amendment request, the Joint Committee should consider consistency with the Master Plan, existing zoning requirements, surrounding land use and zoning patterns, and possible resulting impacts.

**Background**

*Reed v. Town of Gilbert*, Arizona is a case in which the U.S. Supreme Court clarified when municipalities may impose content-based restrictions on signage. In 2015, the Court considered a challenge to certain portions of the Gilbert, Arizona sign code and in doing so, affirmed the requirement that sign regulations be “content neutral.” This Supreme Court ruling does not prevent local governments from enacting sign codes; however, it does rule that content-based regulations are unconstitutional. As applied to sign regulations, “content-based” means you would have to read the sign to determine how it is regulated.

While most of the City’s existing Sign Regulations focus on sign size and sign location, there are some sections that could be considered content-based. Amendments #1, #2, #4, #5, and #6 proposed in O-2018-02 (*see attached application*) are an effort to remove content-based requirements and make the regulations content-neutral.

O-2018-02 also proposes amendments (*see #4, #7, #8, and #9 in the application*) to address sign regulations for the following Zoning Districts: Neighborhood Business, Business Growth and Reuse, and Residential Preservation. When these districts were established in the fall of 2017, Article VIII of the Zoning Ordinance was not updated to include sign standards specific to these districts. The proposed amendments include references to these districts in the Sign Regulations, and provide district specific standards regulating sign type, size and placement.

In addition to the amendments noted above, the Code Enforcement Department has identified other sections of the Sign Regulations that are in need of update. These proposed amendments are described in the bulleted list below:

- Amendment #1 proposes to address a conflict between the Sign Regulations and Planning Board Development Standard 19c.2, which requires off street parking to be placed to the side and/or rear of a building. In locations where parking is located to the rear of a building, the primary entrance/exit is often also at the building’s rear.

The placement of signs on a building is restricted to the primary and secondary frontages, which are currently defined by the presence of entrances/exits (i.e. ingress/egress). For buildings that do not have entrances/exits facing the street, they are not able to place signs on these prominent facades. This conflict has led to the issuance of variances from the Sign Regulations. Additionally, some businesses have chosen to install ingress and egress doors where they are not needed for the sole purpose of obtaining signage. To address this issue, Amendment #1 would remove the requirement that primary and secondary frontage be determined by the presence of ingress/egress.

- Amendment #7 addresses a long-standing issue where legally non-conforming commercial properties that are located in zoning districts that do not allow for signage would not be able to place signage outside of their place of business. This amendment would allow signage for legal non-conforming commercial properties in any zoning district, and addresses standards for sign type, size and placement for these properties.
- Amendment #3 includes a standard that prohibits snipe signs in all zoning districts. A snipe sign is defined in Amendment #1 as “any sign, generally of temporary nature, made of any material, when such sign is tacked, nailed, posted, pasted, glued or otherwise attached to trees, poles, stakes, fences, or other objects not erected, owned, and maintained by the owner of the sign.”

### **Consistency with the City Master Plan**

Although Keene’s 2010 Comprehensive Master Plan does not specifically address signage, it does include goals related to promoting a quality built environment. Sign regulations have a direct relationship to the built environment as they are a tool for municipalities to keep visual clutter to a minimum and ensure that there is a coordinated appearance with respect to size, shape, and placement. Sign regulations can also be used to prevent obstructions to visibility or distractions for drivers.

In addition, the Comprehensive Master Plan addresses goals related to encouraging economic development and business growth. The proposed amendments would make it easier for businesses and individuals to obtain sign permits by addressing some of the known conflicts with the existing regulations. In addition, the amendments would allow for signage in zoning districts such as the Neighborhood Business and Business Growth and Reuse Districts.

### **Implications of the proposed changes**

While some of amendments proposed in O-2018-02 are necessary as a result of Reed v. Town of Gilbert, Arizona, the impact of removing content-based restrictions from Keene’s existing Sign Regulations is difficult to determine at this time. The Regulations will continue to restrict size and location of signage in the community; however, some types of signs, such as real estate and agricultural signs, will no longer be regulated as a distinct category. Instead, the amendment proposes regulating these sign types under Section 102-1301 Temporary Signs.

The other amendments proposed in O-2018-02 will provide greater opportunity for signage to be introduced into the built environment in a manner that appears to be compatible with established size and placement requirements for commercial and residential zoning districts. However, the Joint Committee may consider amending O-2018-02 to restrict the size of temporary signs in the Neighborhood Business District to be no larger than 6 square feet per lot, as would be required in similar districts such as Office and Central Business.

**Recommendation**

*The Planning Board find proposed Ordinance 0-2018-02 consistent with the Comprehensive Master Plan; and the PLD Committee recommend that the Mayor set a public hearing date.*