O-2019-13 and O-2019-14 Narrative: Social Service and Congregate Living Use Ordinances

Ordinances O-2019-13 and O-2019-14 include amendments to Chapters 46, 102, 18 and Appendix B of the City Code of Ordinances. These amendments propose the introduction of land uses categorized broadly as Social Service and Congregate Living uses into the Zoning Ordinance as well as a conditional use permit and City operating license for some of these uses.

In recent years, the City has seen an increase in the number of applications related to uses that could be characterized as group homes, homeless shelters, residential treatment facilities, and other congregate living and social service facilities. The current use table within the City's Zoning Ordinance does not provide an adequate structure for classifying many of these proposed uses nor does it offer conditions or criteria for which these uses may be allowed.

In late December 2018, the City contracted with the consulting firm, Camiros Ltd., to provide recommendations for classifying and defining these types of land uses within the City's zoning ordinance, identifying where these uses should be allowed, and the criteria by which these uses should be permitted. Camiros Ltd., who has national experience working on zoning ordinances addressing social service and congregate living uses and is currently working with the City of Keene to develop a Form Based Downtown Zoning District, based their recommendations on a review of best practices from across the country and their understanding of Keene's land use context and Comprehensive Master Plan. City staff have ensured that there is coordination and consistency among the proposed ordinances and the State Building and Fire Codes.

A high-level summary of the changes proposed to Chapters 102 and 46 is included below.

Chapter 102:

The following terms, along with associated definitions, are proposed to be added to the Definitions Section:

- Domestic Violence Shelter
- Drug Treatment Clinic
- Food Pantry
- Homeless Shelter
- Personal Care Services
- Residential Care Facility
- Residential Drug/Alcohol Treatment Facility
- Social Service Center

Amendments are proposed to the definitions of the following uses, which are currently present in the Zoning Ordinance:

- Group Home
- Hotel
- Institutional Use
- Lodging House
- Motel

The following terms are proposed to be removed from the Zoning Ordinance:

- Health Care Facility
- Fraternity/Sorority
- Tourist Home
- Motel, Apartment

A Social Service / Congregate Care Conditional Use Permit (CUP) from the Planning Board is proposed for the following uses. Standards associated with this CUP are included in Chapter 102 under the proposed Article XVII:

- Drug Treatment Clinic
- Group Home
- Homeless Shelter
- Lodginghouse
- Residential Care Facility
- Residential Drug/Alcohol Treatment Facility
- Social Service Center

The Table below shows which Zoning Districts the proposed uses are proposed to be allowed either by-right or by a Conditional Use Permit issued by the Planning Board. The Table also indicates if a City Council License is required to operate the use. Text that is "stricken-out" (e.g. ~~SE~~, ~~P~~) represents current conditions that are proposed to be amended. For example, Lodginghouse is currently allowed by Special Exception (SE) in the High Density (HD) District. The Ordinance proposes to allow Lodginghouse by Conditional Use Permit (CUP) in the HD.

TABLE 1. PROPOSED CHANGES TO ZONING DISTRICT USE TABLES (O-2019-13)

USE	ZONING DISTRICT												COUNCIL LICENSE
	R	LD	LD-1	MD	HD	HD-1	CB	CBL	COM	O	HC	BGR	
Group Home	~~P~~	~~SE~~	~~SE~~	~~SE~~ CUP	~~P~~ CUP	~~P~~				CUP			Y
Lodginghouse					~~SE~~ CUP			~~P~~ CUP					Y
Domestic Violence Shelter				P	P		P	P	P				N
Drug Treatment Clinic									CUP				Y
Food Pantry							P	P	P				N
Homeless Shelter								CUP	CUP				Y
Social Service Center							CUP	CUP	CUP				Y
Residential Care Facility					CUP		CUP	CUP	CUP		CUP	CUP	Y
Residential Drug / Alcohol Treatment Facility									CUP		CUP		Y

TABLE 1. KEY

BGR	Business Growth and Reuse	**HD-1**	High Density - 1	**CUP**	Conditional Use Permit
CB	Central Business	**LD**	Low Density	**P**	Permitted By-Right
CBL	Central Business Limited	**LD-1**	Low Density - 1	**SE**	Special Exception
COM	Commerce	**MD**	Medium Density		
HC	Regional Health Care	**O**	Office	**Y**	Yes (License Required)
HD	High Density	**R**	Rural	**N**	No (License Not Required)

Chapter 46:

Removed Article X "Lodginghouses" from Chapter 46, which addresses licensing requirements for Lodginghouses. Lodginghouses, which include Fraternities and Sororities, are proposed to be licensed as a Social Service / Congregate Care Use.

A Social Service / Congregate Care Conditional Use License from the Community Development Director is proposed for the following uses. Standards associated with this license are included in Chapter 46 under the proposed Article XXIV:

- Drug Treatment Clinic
- Group Home
- Homeless Shelter
- Lodginghouse
- Residential Care Facility
- Residential Drug/Alcohol Treatment Facility
- Social Service Center