Ordinance O-2020-10

Relating to City of Keene Land Development Code

That the Code of Ordinances of the City of Keene, New Hampshire, as amended, is hereby further amended as follows.


2. Remove the following sections of the Code of Ordinances in their entirety.
   a. Chapter 18. Article V. “Historic Districts”
   b. Chapter 34. “Environment”
   c. Chapter 46. Article X. “Lodginghouses”
   d. Chapter 54. “Natural Resources”
   e. Chapter 70. “Public Improvement Standards”
   f. Chapter 102. “Zoning”
   g. Appendix B. Fee Schedule. Chapter 54. “Natural Resources”. Article II. “Floodplain”
   i. Appendix B. Fee Schedule. Chapter 70. “Public Improvement Standards”

3. Delete the stricken text and add the bolded underlined text in the following sections of the Code of Ordinances.
      “Lodginghouse shall mean any dwelling for more than four between 5 and 16 unrelated natural persons, which lets provides separate rooms for sleeping accommodations for a fee for a transient or permanent basis, without personal care services, with or without meals, but and without separate cooking facilities for individual occupants. A lodginghouse may include separate living quarters for an on-site property manager. For purposes of this article, the term lodginghouse shall not include a hotel or motel.”

      “(4) Sanitary facilities, shared facilities—Lodging House Congregate Living Uses. At least one water closet, lavatory, and bathtub or shower shall be provided for all lodginghouses congregate living uses, as defined in Chapter 100, Article 8 in the City Code of Ordinances, for up to four rooms used as bedrooms. All such facilities shall be located within the building housing the sleeping rooms. Said facilities shall be
accessible from a common hall, passageway, or a room used in common (lounge) and shall be not more than one story removed from any persons sharing such facilities. Such facilities shall not be located in a basement."


“(c) Any dwelling, dwelling unit or lodginghouse congregate living use as defined in Chapter 100, Article 8 of the City Code of Ordinances, which has been determined unfit for human habitation and which has been placarded as such by the housing standards enforcement officer shall be vacated within a reasonable time as required by the housing officer. No owner shall rent to any person for human habitation, and no person shall occupy, any dwelling or dwelling unit which has been determined unfit for human habitation and which has been placarded by the housing officer after the date which the officer has required the dwelling or dwelling unit to be vacated.”


“Lodginghouse means any dwelling for more than four persons, which lets sleeping accommodations for a transient or permanent basis, without personal care services, with or without meals, but without separate cooking facilities for individual occupants. For purposes of this article the term lodging house shall not include a hotel or motel.”


<table>
<thead>
<tr>
<th>Lodging house</th>
<th>City-council</th>
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<tbody>
<tr>
<td>Congregate Living and Social Services</td>
<td>City Council</td>
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§46-593. Lodginghouse license fee…..165.00 §46-569. Congregate Living and Social Services license fee…..$165.00"

4. Add the following language to Chapter 2, Article 5 “Boards and Commissions”, Division 15

“Planning Board,” relating to the powers of the Planning Board with respect to establishing a Minor Project Review Committee.

“(37) [The Planning Board shall] have the authority to delegate its site review powers and duties in regard to minor site plans to a committee of technically qualified administrators chosen by the Planning Board from the departments of public works, community development, or other similar departments in the City, in accordance with NH RSA 674:43(III). The process and procedures for this committee, which shall be known as the Minor Project Review Committee, are set forth herein in Article 25 of Chapter 100 of the City Code of Ordinances.”
5. Replace Chapter 46. Article X. “Lodginghouses” with the full text included below.

“ARTICLE X. CONGREGATE LIVING AND SOCIAL SERVICES LICENSE

Sec. 46-561. - Applicability.

From and after the effective date of the ordinance from which this Article derives no person shall keep, permit or suffer to exist any of the following congregate living or social services uses as defined in Chapter 100, Article 8 of the City Code of Ordinances without first having obtained a congregate living and social services license from the licensing authority for each property location.

   a) Drug Treatment Clinic
   b) Group Home, Large
   c) Group Home, Small
   d) Fraternity/Sorority
   e) Group Resource Center
   f) Homeless Shelter
   g) Lodginghouse
   h) Residential Care Facility
   i) Residential Drug/Alcohol Treatment Facility

Sec. 46-562. - Application and License Renewal Requirements.

In addition to the application requirements of Division 4 of this Chapter, the following information shall be required of an applicant for a congregate living and social services license and may be used by the licensing authority in evaluation of an application and annual renewal for such license.

1. Description of the property location including street address and tax map parcel number.
2. Description of the client population to be served, including a description of the services provided to the clients or residents of the facility and of any support or personal care services provided on- or off-site.
3. Description of the size and intensity of the facility, including information about: the number of occupants, including residents, clients, staff, visitors, etc.; maximum number of beds or persons that may be served by the facility; hours of operation; size and scale of buildings or structures on the site; and size of outdoor areas associated with the use.
4. For congregate living uses, the average length of stay for residents/occupants of the facility.
5. Name, phone number, and address of the property owner.
6. Name, phone number, and address of a person acting as the operator, if not the owner, who will serve as a point of 24-hour contact for the public and the City.
7. Evidence that all required licenses, permits or authority to operate have been obtained.
8. An Operations and Management Plan, which shall be based on industry standard “Best Management Practices”, and, at a minimum, shall address the following.
   a. A security plan that includes provisions for onsite security including lighting, security cameras, and/or other measures appropriate to provide for adequate health and safety of clients and management.
   b. A life safety plan that demonstrates compliance with the State Minimum Building Code and Fire Codes.
   c. Staff training and procedures plan.
   d. Health and safety plan.
e. An emergency response plan that establishes procedures for addressing emergency situations and for coordinating with local emergency service providers.

f. A neighborhood relations plan that includes provisions for communicating with adjacent property owners and the City of Keene, including the Keene Police Department.

g. Building and site maintenance procedures.

h. In addition to the materials listed above, homeless shelters shall be required to submit the following information as part of an Operations and Management Plan.

i. Rules of conduct and registration system for guests, including procedures for screening registered sex offenders and for separating individual guests and families with children.

ii. Policies and procedures for denying access to the homeless shelter when at maximum capacity or the determination that a person is unsuited for the facility, and how the immediate sheltering needs of individuals who may be turned away from the shelter will be handled.

Sec. 46-563. - Compliance.

1. Prior to the issuance of an initial license, and prior to the reissuance of an annual license, all appropriate City enforcement officers shall make or cause to be made an inspection to determine if all applicable laws, ordinances, codes, permits, rules and regulations have been complied with, including but not limited to applicable operations and management plans submitted by the applicant as part of their license application.

2. The licensing authority shall either grant or to deny the license application within 30 calendar days of the receipt of the application. The licensing authority shall provide notice of its decision on the application in writing to the applicant.

   a. In the event that the application is denied, the licensing authority shall provide a written statement to the applicant stating the specific reasons for the denial.

3. Any person aggrieved by the decision of the licensing authority to issue or to deny a license may appeal such decision as provided in Section 46-94 of the City Code of Ordinances.

Sec. 46-564. - Expiration.

Each congregate living and social services license issued under this Article shall expire on July 1 of the year subsequent to its issuance date notwithstanding the date of the initial issuance. No postponements of the expiration date shall be granted except for good cause shown and as determined by the licensing authority; provided that the license has been applied for prior to the annual expiration date.

Sec. 46-565. - Display.

Any congregate living and social services license issued pursuant to this Article shall be displayed in a prominent place on the exterior ground floor near the front door of the building.
Sec. 46-566. - Suspension or Revocation.

1. A congregate living and social services license may be suspended for a stated period of time for cause, or revoked for cause, by the licensing authority on complaint of one of the City’s enforcement officers, stating the specific basis for the suspension or revocation, the necessary corrective action to be taken, and the effective date of the suspension or revocation for non-compliance.

   a. Notice shall be sufficient if sent by certified mail to the property owner and to the operator of the facility at the addresses listed on the license application form.

2. A congregate living and social services license may be suspended immediately if the licensing authority determines that immediate suspension is required to protect public health or safety.

3. Any suspension or revocation may be appealed as provided by Section 46-94 of the City Code of Ordinances.

Sec. 46-567. - Enforcement.

For the purposes of this Article, the licensing authority shall be the City of Keene City Council. Where compliance with zoning, building, plumbing, electrical and housing codes may be concerned, the enforcement officer shall be the Building and Health Official, and were fire and life safety codes may be concerned, the enforcement officer shall be the Fire Chief.

Sec. 46-568. - Penalties.

Any person who operates a congregate living or social services use as listed in Section 46-561 of this Article without having first obtained a congregate living and social services license in accordance with this Article, or who operates such a use without a valid license, shall be subject to a violation in accordance with City Code, Section 1-15 and subject to a fine of $250.00.

Sec. 46-569. - Fee.

The fee for each congregate living and social services license application shall be as set forth in the schedule of fees in Appendix B of the City Code of Ordinances.

Secs. 46-570 - 46-620. - Reserved.”

6. Add to Appendix B of the City Code of Ordinances, “Chapter 100. Land Development Code (LDC) Fee Schedule,” which shall read as follows.

   “Chapter 100. Land Development Code (LDC) Fee Schedule

   §14.3 Sustainable Energy Efficient Development Overlay District Incentive Application Fee………………………………………………………………………………$100.00
§22.4 Service Connection Permit
Engineering Inspection Fees.................................................................$55.00 per hour
Residential, Institutional or Commercial Building Service Connection Permit......$15.00
Industrial Building Service Connection Permit............................................$30.00

§25.3 Zoning Text or Zoning Map Amendment
Application Fee.........................................................................................$100.00
Published Public Notice Fee......................................................................$90.00

§25.4 Land Development Code Amendment
Application Fee.........................................................................................$100.00
Published Public Notice Fee......................................................................$90.00

§25.5 Zoning Variance
Application Fee..........................................................................................$100.00

§25.6 Zoning Special Exception
Application Fee..........................................................................................$100.00

§25.7 Expansion or Enlargement of a Nonconforming Use
Application Fee..........................................................................................$100.00

§25.8 Equitable Waiver of Zoning Dimensional Requirements
Application Fee..........................................................................................$100.00

§25.9 Zoning Administrator Written Interpretation
Application Fee..........................................................................................$125.00

§25.10 Subdivision Review
Subdivision Application Fee.................................................................$200.00 + $100.00 per lot
Conservation Residential Development Subdivision Application Fee........$200.00 + $100.00 per lot
Boundary Line Adjustment Application Fee.............................................$100.00 + $20.00 per lot
Voluntary Merger Application Fee............................................................$100.00 + $20.00 per lot
Request to extend expiration of conditionally approved subdivision........$25.00 for 1st request, $50 for each request thereafter

§25.11 Planning Board Advice and Comment
Application Fee..........................................................................................$25.00

§25.12 Site Plan Review
Major Site Plan Application Fee..............................................................$250.00 + $0.05 per sf gross floor area of new construction
Minor Site Plan Application Fee..............................................................$250.00 + $0.05 per sf gross floor area of new construction
Request to modify an approved site plan............................................$250.00 + $0.05 per sf gross floor area of new construction
Request to extend expiration of conditionally approved site plan............$25.00 for 1st request, $50 for each request thereafter
§25.13 Administrative Planning Review
Review Fee...........................................................................................................$125.00

§25.14 Conditional Use Permit (CUP)
Telecommunications CUP Application Fee............................................................$300.00
Hillside Protection CUP Application Fee.................................................................$100.00
Surface Water Protection CUP Application Fee...................................................$100.00
Congregate Living and Social Services CUP Application Fee............................$100.00
Solar Energy System CUP Application Fee............................................................$100.00

§25.15 Historic District Certificate of Appropriateness (COA)
Major Project Application Fee..............................................................................$50.00
Minor Project Application Fee..............................................................................$25.00
Request to modify an approved Major Project COA............................................$50.00

§25.16 Street Access Permit
Application Fee.....................................................................................................$50.00

§25.17 Floodplain Development Permit
Floodplain Development Permit Application Fee..............................................$50.00 + $100 per acre (or portion thereof) of special flood hazard area proposed to be altered

§25.18 Sign Permit
Applications with a total project cost of $5,000 or greater)...........$100.00 + $10.00 per $1,000 of total project value
Applications with a total project value less than $5,000.............................................$100.00

§25.19 Earth Excavation Permit
Application Fee.....................................................................................................$50.00

Mailed Public Notice:
Postage for Certified mail.................................................................Current USPS certified mail rate
Postage for First Class mail.................................................................Current USPS First Class mail rate

Published Notice (unless otherwise specified in this Land Development Code Fee Schedule, the published public notice fee shall be as specified below):
Printing fee for legal advertisement in newspaper.................................................$25

Recording Fee:
Recording Fee................Current Cheshire County Registry of Deeds Fee, Including LCHIP fee”