

2018 Committee Schedule Outreach Plan

Staff have shared a schedule of Committee meetings for the summer/fall of 2018. This is attached to this presentation.

A project website and schedule of outreach opportunities will be made available at the end of June. The types of outreach being organized for this summer / fall are listed below. These are in addition to the presentations/discussions before Joint Committee, Planning Board and City Council:

***Neighborhood Meetings** (at least 2 meetings in each Ward – the first meeting will be a project kick-off, the second will be later in the year to share proposed changes and follow up on any items that were addressed in the initial meeting)

***Community Forums** (we anticipate holding three community forums starting in July ending in November to share information about the project and answer questions)

***Topic Oriented Focus Groups** (for certain subject matters we will be convening topic specific focus groups)

***Development Community Roundtable** (each month we intend to hold a roundtable discussion for members of the development community including land use attorneys, contractors, land use consultants, surveyors, etc. to share info / gain input and insight)

***Open house** (we intend to have space on Main St to share information about the project and answer questions – there would be a schedule of open house hours for the public)

***Presentations to community groups / organizations** (we will visit with local organizations such as the Homebuilders, Lions Club, Kiwanis, etc. as an opportunity to share info about the project and ways to stay involved / informed)

***Rotating Display** (we will attend community events with a booth/table to share info / ways to stay involved)

***Local Media** (we will work with local radio, newspaper, and tv to routinely share info throughout the project)

Zoning Districts for Review Tonight:

- Conservation
- Conservation Residential Development
- Agriculture
- Rural
- Low Density
- Low Density 1
- Medium Density
- High Density
- High Density 1
- Industrial
- Industrial Park
- Industrial Park Limited
- Corporate Park
- Regional Health Care

Districts for future review:

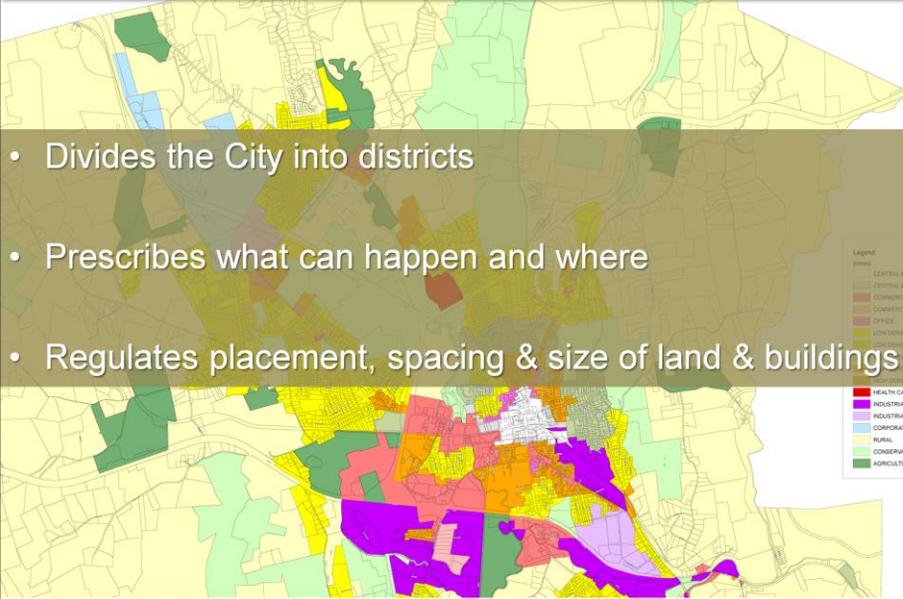
- Central Business
- Central Business Limited
- Commerce
- Commerce Limited
- Office
- Neighborhood Business
- Business Growth Reuse
- Residential Preservation

The focus of June 11 Joint Committee Discussion was on a review of 14 of the City's 22 Zoning Districts: Conservation, Conservation Residential Development, Agriculture, Rural, Low Density, Low Density 1, Medium Density, High Density, High Density 1, Industrial, Industrial Park, Industrial Park Limited, Corporate Park, Regional Health Care.

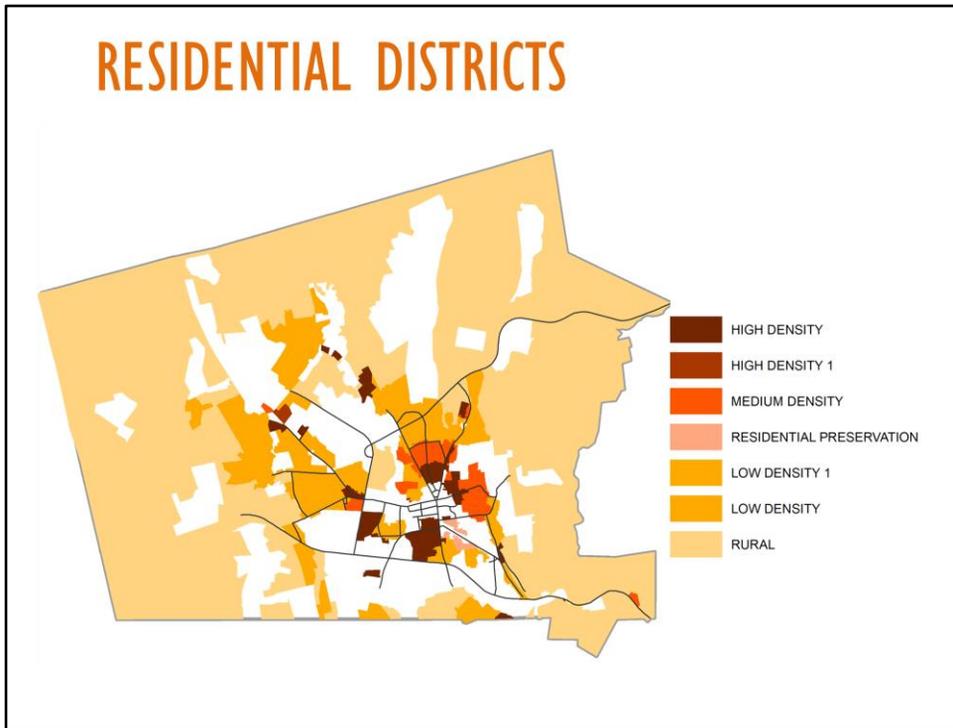
At this time, we do not anticipate significant changes being made to these districts. The discussion that follows is a review of the changes that staff are proposing to make to these districts. We may find through the proposed Neighborhood Meetings and community outreach that there is a need to examine zoning district boundaries or the focus of these districts in more detail. If this occurs, we will bring the subject back to the Joint Committee for discussion.

The remaining zoning districts (highlighted in blue) will be addressed at future Joint Committee meetings. These districts, which are primarily commercial/mixed use districts, will be the subject of focus as part of the Form Based Zoning in our Downtown. The consultant, Camiros, will lead this effort in partnership with Planning Department Staff.

What are Zoning Districts?



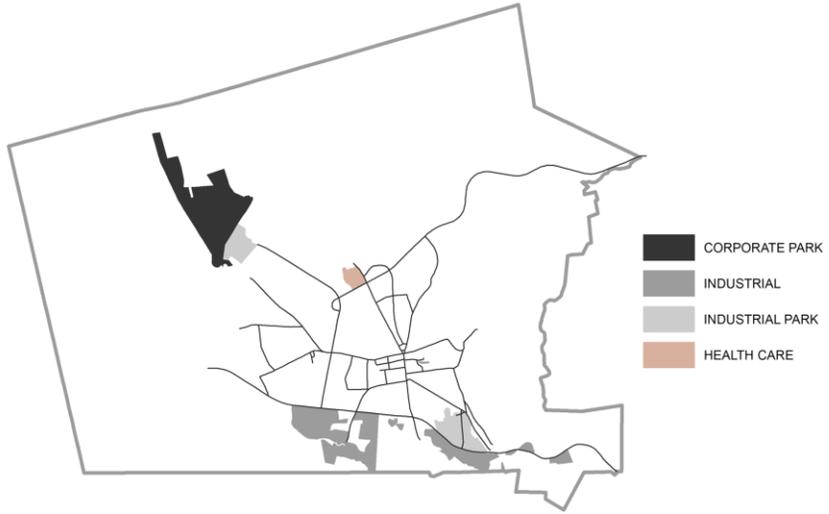
- Divides the City into districts
- Prescribes what can happen and where
- Regulates placement, spacing & size of land & buildings



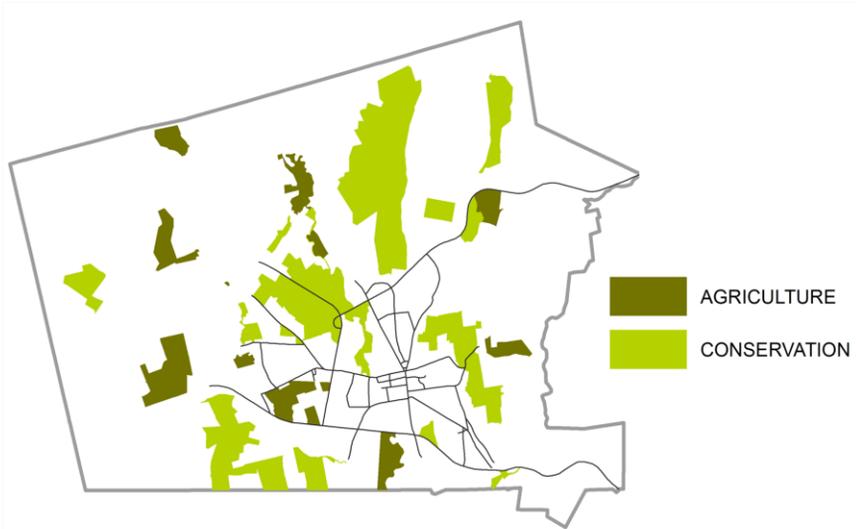
Districts zoned for primarily residential uses make up the majority of Keene's land area. Approximately 6900 parcels are in residential zoning districts.

The majority of these parcels are zoned as either Low Density (3,658), Rural (1,458), or High Density (954)

INDUSTRIAL & SPECIAL DISTRICTS



OPEN SPACE DISTRICTS



Proposed Areas for Updates/Improvement

- Simplify Structure / Content Organization
 - Update terms
 - Review intent sections
 - Simplify use tables
- Examine how accessory uses are addressed
 - Review dimensional table
 - Address special districts

Staff are seeking consensus from the Joint Committee that there is support for making the proposed improvements to these zoning districts, which are generally listed on this slide. The following slides provide more information and examples of what staff intend to do with respect to these categories of improvement.

Simplifying the Structure

Sec. 102-331 Intent & Sec. 102-332 Uses

The intent of the rural (R) district is to provide for scattered, very low density development, predominantly of a residential or agricultural nature, which can be accommodated on the land without major disruptions of the natural terrain, vegetation, watercourses or surface drainage. Such lands are generally those outside of the valley floor and beyond where city water, sewer and other utilities can be readily supplied.

(Code 1970, § 2005.3)

Sec. 102-332. - Permitted uses.

Permitted uses in the rural (R) district are as follows:

Permitted Use	Subject to the Following:
Accessory dwelling unit	Subject to conditions and Emotions as specified in section 332-346.
Bed and breakfast inn	Special exception. Parking: Must provide one off-street parking space for each room to be rented in addition to parking space required for residence.
Cemetery	
Dwelling, single-family	
Gravel pits	Special exception. Traffic: Primary access must be via an arterial road. Fences/odors: No dust, odors, and/or fences may enclose boundaries of property. Also see chapter 54 pertaining to natural resource protection.
Greenhouses or nurseries for raising of flowers and other horticultural products, including raising of such products for sale on the premises	
Group home	Utilities: City sewer and water required. Buffer: A continuous 50-foot wide area measured from the property line in which no buildings, parking lots or roads are permitted, except for authorized curbs, cuts, and in which all utilities must be underground. Minimum setbacks: 75 feet rather than 50 feet for front, side and rear property lines.

Sec. 102-791 Dimensional Table

requirements for this chapter:

TABLE 1
BASIC ZONE DIMENSIONAL REQUIREMENTS

Zone																			
R	LD	LD-1	MD	HD	HD-1	CS	CS-	COM	CL	O	I	IF	9%	CF	HC	MP	SGR	NS	
2	3	3	3	3	3	4/30	4	3/30	3	3	3/30	3/30	3	4/4	4	3	3	3	
35	35	35	35	35	50	50%	35	35	35	35	35	35	35	35	35	35	35	35	
																		4	4
																		3	
																		5	
1 acre	15,000	1 acre	15,000	15,000	15,000	15,000	15,000	15,000	15,000	15,000	15,000	15,000	15,000	15,000	15,000	15,000	15,000	15,000	15,000
1 acre	15,000	1 acre	15,000	15,000	15,000	15,000	15,000	15,000	15,000	15,000	15,000	15,000	15,000	15,000	15,000	15,000	15,000	15,000	15,000
1 acre	15,000	1 acre	15,000	15,000	15,000	15,000	15,000	15,000	15,000	15,000	15,000	15,000	15,000	15,000	15,000	15,000	15,000	15,000	15,000
200	70	75	60	50	150	None	None	None	100	60	None	None	200	200	200	200	200	200	
50	15	15	15	15	50	None	20	20	100	15	20	50	200	40	50	15	15	15	

Currently, a property owner seeking information on what is and is not allowed on their property and what the dimensional setbacks and height requirements are, need to navigate through multiple sections of the Zoning Code.

We propose consolidating information for each zoning district into one place, and utilizing graphics and visualizations to better communicate this information.

Simplifying the Structure

R Rural District

Purpose: The intent of the rural district is to provide for scattered, very low density development, predominantly of a residential or agricultural nature, which can be accommodated on the land without major disruptions of the natural terrain, vegetation, watercourses or surface drainage. Such lands are generally those outside of the valley floor and beyond where city water, sewer and other utilities can be readily supplied.

DIMENSIONAL REQUIREMENTS

LOT DIMENSIONS

- A Min. lot area 5 acres
- B Min. lot area per dwelling unit without water & sewer 5 acres
- C Min. lot area per dwelling unit with water and sewer 2 acres
- D Min. lot width at building line 200'
- E Min. lot frontage 50'

BUILDING SETBACKS

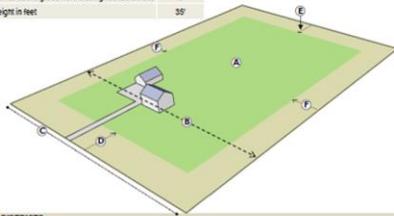
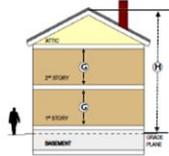
- F Min. front setback 50'
- G Min. rear setback 50'
- H Min. side setback 50'

LOT COVERAGE

- I Max. percentage of lot occupied by structures 10%
- J Max. percentage of lot covered by impermeable material (includes structures) 20%

BUILDING HEIGHT

- K Max. stories above grade not including habitable attics 2
- L Max. height in feet 35'



OVERLAY DISTRICTS:

- Hillside Protection (Article XII of Ch. 102)
- Earth Excavation (Article X of Ch. 102)
- Surface Water Protection (Article XVII of Ch. 102)
- Telecommunications Towers & Antennas (Article VII of Ch. 102)
- Conservation Residential Development (Article IV, Division 3 of Chapter 102)
- Sign Regulations (Article VIII of Ch. 102)

R DISTRICT PERMITTED USES	ALLOWED SUBJECT TO THE FOLLOWING:
RESIDENTIAL	
Dwelling, Single-Family	
Accessory Dwelling Unit	Subject to conditions in Sec. 102-896 of Chapter 102
Manufactured Housing Park & Manufactured Housing Subdivisions	
LODGING	
Bed & Breakfast Inn	Special Exception. Must provide one off-street parking space for each room to be rented in addition to parking spaces required for residence.
Group Home	City sewer and water required. Must maintain a continuous 50' wide buffer area from the property line in which no buildings, parking lots or roads are permitted, except for authorized curb cuts, and in which all utilities must be underground. Minimum setback: is 75' rather than 50' for front, side and rear property lines. Minimum of one-half parking space per unit.
RETAIL & SERVICES	
Gravel Pits	Special Exception. Primary vehicular access must be via an arterial street.
Home Occupation Incidental to Main Residential Use	Subject to conditions in Division 5 of Article V of Chapter 102
Kennel	Primary vehicular access must be via an arterial street.
Outdoor Recreational Activity as a Business	Subject to conditions in Division 3 of Article VI of Chapter 102
Towers for Transmission, Communication, and/or Cellular Telephone Transmission	Special Exception and Conditional Use Permit from Planning Board
Veterinary Establishment	Primary vehicular access must be via an arterial street.
Yard Sales	Subject to conditions in Sec. 102-895 of Chapter 102. Limited to 3 per calendar year and cannot take place for longer than 2 consecutive days.
CIVIC	
Cemetery	
Historic Site Open to the Public	
RECREATION	
Noncommercial Outdoor Recreation Activity	Primary vehicular access must be via an arterial street, except by Special Exception.
AGRICULTURE	
Greenhouses or Nurseries for Raising of Flowers & Other Horticultural Products; (including raising of such products for sale on the premises)	
Harvesting of Forestry Products	
Orchards & Vineyards	
Raising & Selling of Farm Animals and/or Products	
INSTITUTIONAL	
Institutional Use	Special Exception. Subject to conditions as specified in Division 12 of Article V of Chapter 102

The image on the screen represents one way that we might consolidate this information into one or two pages. We will be working with a consultant that will be generating graphics for this project – the final layout may not look like this, but the concept of keeping the information in one central location in a manner that is easy to read and navigate will be present in the final product.

This information as presented could easily be transformed into a handout that could be shared with a property owner or applicant when they visit the Planning Department, or online.

Review Intent Statements

- Clarify confusing language
- Make more precise

*"The intent of the **rural (R)** district is to provide for **scattered**, very low density development, predominantly of a residential or agricultural nature, which can be accommodated on the land without major disruptions of the natural terrain, vegetation, watercourses or surface drainage. Such lands are generally those outside of the valley floor and beyond where city water, sewer and other utilities can be readily supplied."*

*"The intent of the **medium density (MD)** district is to provide for a **medium density /medium intensity** residential area. There is a very limited number of other uses permitted which are associated with a residential setting. **Normal** commercial/industrial uses are excluded. All uses in this zone are required to have city water and sewer service."*

Each zoning district has an intent statement. This statement identified the purpose and goal for the creation of the district and provides the Zoning Administrator and others with a general but clear idea of what type of development and land uses should be preserved, promoted or avoided in each district.

Staff propose making adjustments to some of these statements that would improve clarity and ease of reading. On the slide are two examples of existing intent statements.

With respect to the rural zone, the term "scattered" could imply irregular or random patterns of development. We may consider replacing this with a term similar to "disperse" which conveys the same intent but does not seem to imply lack of planning or thoughtfulness.

The intent statement for the Medium Density District is somewhat redundant in that it repeats the title of the district in the first statement. The High Density and Low Density zones have similar descriptions. We propose changing the wording of this first statement to be more precise and less redundant. We also suggest making changes to terms that are out of date or could cause confusion such as the adjective "Normal" before commercial/industrial uses in the second to last sentence. What are "normal" uses? There is an opportunity to update the language to be less subjective without impacting the overall "intent" of these statements.

Staff also aim to reduce the length of these statements where possible.

If staff find that a district's intent statement needs to be changed significantly, we will revisit the Joint Committee with our proposed changes for further discussion and review.

Review & Simplify Use Tables

- Terms inconsistent across tables
- Terms missing definitions
- Some uses are outdated
- Some uses too specific
- Conditions / standards in use tables
- Accessory uses included in primary use table
- Need clarify accessory vs. incidental uses

Each zoning district has a table of permitted uses. These tables are important given the nature of our Zoning Ordinance as a “permissive code”. An explanation of “permissive code” is provided on the next slide.

In our review of the use tables for the districts we are focusing on this evening, we identified a number of areas of opportunity for improvement. We will walk through and provide examples of each area listed on this slide.

What is a permissive code?



Most zoning ordinances in New Hampshire are of the so called 'permissive' variety. That is, in the absence of a variance or special exception, uses of land are prohibited unless they are expressly permitted as primary uses (typically in the use table) or can be found to be accessory to a permitted use.

For example, if you want to have a restaurant in the Low Density District, you would check the table of uses in the Zoning Ordinance for this District. If restaurant is not specified as a permitted use in this table, it would not be allowed. This can be a challenge as it is difficult to identify and predict all of the potential uses that should be allowed in Districts.

Terms Inconsistent Across Use Tables

“Home occupation means a use conducted by the inhabitants of a dwelling, which use is clearly incidental and secondary to the use of the premises for dwelling purposes and does not change the residential character thereof.”

Use as Noted in Use Table	District
Home Occupation	O
Home Occupation Incidental to main residential use	R, LD, MD, HD, A
Home occupation incidental to the main use	LD 1
Home occupation/live-work	B, NB

A minor updates proposed is to ensure that terms are consistent across use tables. The example on the slide shows that the use “Home Occupation” appears slightly different in different district use tables.

Terms Inconsistent Across Use Tables

“Nursery/greenhouse means an enterprise that conducts the retail and/or wholesale business of plants grown on the premises, as well as accessory items directly related to their care and maintenance.”

Use as Noted in Use Table	District
Greenhouse or nursery	COM LTD
Nursery/greenhouse	BGR, NB (>5,000 sf)
Greenhouse, nursery	COM
Greenhouses or nurseries for raising of flowers and other horticultural products, including raising of such products for sale on the premises	A, R
Orchards and Vineyards	A, R

This slide is another example of how terms are inconsistent across use tables. The example on the slide shows that the use “Nursery/greenhouse” appears slightly different in different district use tables.

This is important because the reader of the Ordinance may want to look up the definition for the use. In the Zoning Ordinance definitions section this use is defined as “Nursery/Greenhouse.” One may look up in the definitions section, “Greenhouse, nursery” as the use appears in the Commerce District Use Table, and would not be able to find a definition for the term.

Terms Missing Definitions

- Asphalt plant, smelter, forge, tannery, brewery, rendering plant, explosives manufacturing
- Construction storage yard
- Day camp
- Funeral parlor
- Gravel pits
- Helipads
- Hiking trails
- Nature study area
- Raising of animals and/or farm products
- Orchards and vineyards
- Parking garage
- Place of worship
- Public utility operations, service or maintenance centers
- Publishing/printing
- Recreational/athletic facilities
- Retail sales/service
- Riding trails
- Veterinary establishment

Many uses are not defined in the Zoning Ordinance. There are approximately 37 uses lacking a definition. It will be important to have a definition for all uses. The uses listed on the slide are only a sample of terms missing definitions.

Some uses are outdated and reflect uses that were more common 50+ years ago such as “tannery, forge, smelter.”

Some Uses are too Specific

Medium Density Permitted Uses	Subject to the Following:
Accessory dwelling unit	Subject to section 102-896.
Dwelling, multifamily	Max of 3 dwelling units per lot.
Dwelling, single-family	
Dwelling, duplex	
Group home	Special exception.
Historic site open to the public	
Home occupation incidental to main residential use	See Div 5 of Article V pertaining to home occupations.
Institutional use	Special exception. Subject to Div 12 of Article V pertaining to institutional uses.
Noncommercial raising of farm animals	

As described in an earlier slide, Keene has a permissive code. If a use is not listed in the district use table, it would not be allowed as a primary use. As the use tables have been updated sporadically over time, some uses are very general/broad and some are very specific.

In the Medium Density District's use table, which is presented on the slide, there are a range of residential uses which are allowed. This is consistent with the intent of the district.

There are a couple of more specific uses listed, such as "Noncommercial raising of farm animals." This use is not defined in the definitions section. A property owner in this district could raise farm animals as a primary use, but they could not have a lesser impact use such as a "noncommercial nursery/greenhouse" as a primary use, as it is not listed in this table.

Rural District Permitted Uses:

- ✓ Accessory Dwelling Unit
- ✓ Bed & Breakfast Inn
- ✓ Cemetery
- ✓ Dwelling, Single Family
- ✓ Gravel Pits
- ✓ Greenhouses or nurseries for raising of flowers & other horticultural products, including raising of such products for sale on the premises
- ✓ Group Home
- ✓ Harvesting of Forestry Products
- ✓ Historic Site Open to the Public
- ✓ Home Occupation Incidental to Main Residential Use
- ✓ Institutional Use
- ✓ Kennel
- ✓ Manufactured Housing Park & Manufactured Housing Subdivision
- ✓ Noncommercial Outdoor Recreation Activity
- ✓ Orchards & Vineyards
- ✓ Outdoor Recreational Activity as a Business
- ✓ Raising and Selling of Farm Animals and/or Products
- ✓ Towers for transmission, communication and/or cellular telephone transmission
- ✓ Veterinary Establishment

The primary permitted uses allowed in the Rural District are presented on this slide. These uses can get very specific – such as “Orchards & Vineyards” – which is not defined in the definitions section and it is unclear as to whether this refers to commercial, noncommercial, or both. Another use where it is unclear as to whether this refers to commercial or noncommercial activity and it is not defined is “harvesting of forestry products.”

Staff have observed that these use tables need to be reviewed and potentially updated to ensure that there is flexibility with the types of permitted uses that would be allowed while maintaining/preserving the intent of the Districts.

Conditions in the Use Tables

Bed Breakfast w/ Meeting & Dining facilities	Allowed by Special Exception in High Density & Subject to:
	1. Access required from a street no more than 1 street removed from a state highway.
	2. Max of 60 people or 8 times the # of bedrooms, whichever is less.
	3. Must provide on-site parking of 2 spaces for permanent resident, +1 space per guest bedroom, + one space per 1.5 people using meeting & dining facilities.
	4. Attendance by registered guests, invited guests or participants in functions/meetings only. Dining facilities are not open to the public .
	5. A semiannual special license will be required for any activity involving more than 60 people. No more than 100 people will be allowed per special event during the period of the special license. Application for a special license is to be filed with the city clerk & shall require approval by the departments of police, fire & code enforcement. For each special license, the city shall determine hours of operation, parking requirements, traffic control & special requirements deemed necessary for public safety.
	6. Hours of operation for outside activities shall be restricted to 8am-10 pm
	7. 5-acre minimum site required.

Throughout most of the district use tables, there are conditions that the uses are subject to. Some uses are subject to Special Exceptions. Some are subject to Conditional Permits. However, some are subject to site impact / performance standards that are listed in the use tables.

With the exception of Special Exception or Conditional Use Permits, it is confusing to have extra conditions listed in the use table.

An example of a use that is allowed by Special Exception but also lists very specific site and operational conditions is “Bed & Breakfast with Meeting and Dining Facilities” in the High Density District. This example is on the slide. There are 7 conditions listed that range from parking requirements to minimum lot size to hours of operation.

Some conditions that are listed would be very difficult to enforce such as the requirement that “attendance by registered guests, invited guests or participants in functions/meetings only.”

Some conditions should be placed in other sections of City Code such as the requirement that “a semiannual special license will be required for any activity involving more than 60 people...” Chapter 46 of City Code addresses City licenses and license requirements.

Conditions in the Use Tables

Rural Zone Permitted Use	Subject to Following Conditions:
Group home	<p><u>Utilities</u>: City sewer and water required.</p> <p><u>Buffer</u>: A continuous 50-foot wide area measured from the property line in which no buildings, parking lots or roads are permitted, except for authorized curb cuts, and in which all utilities must be underground.</p> <p><u>Minimum setback</u>: 75 feet rather than 50 feet for front, side and rear property lines.</p> <p><u>Parking</u>: Minimum of one-half space per unit.</p>

On this slide is another example of conditions placed on a use in the use table. In the Rural Zone, Group Home is a permitted primary use; however, it is subject to conditions. These conditions may be better addressed through other areas of the regulations such as the Planning Board Development Standards (which would address the provision of unities), the section on minimum parking requirements, and the dimensional requirements. It may still be important to have conditions, however, the incorporation of them in the use table is inconsistent and can be confusing – especially with respect to enforcement of these conditions.

Group Home is allowed in other Districts by Special Exception without these conditions.

Conditions in the Use Tables

Agriculture District Permitted Use	Subject to the Following Conditions:
Noncommercial Outdoor / Recreational Activity	<p><u>Traffic</u>: Primary access must be via an arterial street, except by special exception.</p> <p><u>Noise</u>: Cannot exceed 65 dBA measured at the property line.</p> <p><u>Fumes/odors</u>: No dust, odors, and/or fumes may escape the boundaries of the property.</p>

In the Agriculture Zone there are conditions placed the use “Noncommercial Outdoor/Recreational Activity.” With the exception of Traffic, these conditions are addressed in other chapters of the City Code including the Noise Ordinance and property standards.

Accessory Uses in the Permitted Use Tables

Agriculture District Permitted Use

Farming, including but not limited to such **accessory uses** as: storage of trucks and other farm vehicles; sale of garden supplies; bulk processing of feed, milk or other farm products, either for use on the premises or for sale; sawmill, blacksmith shop, bulk fuel storage

Industrial District Permitted Use

Bulk storage & distribution of goods, including flammable materials, **accessory to** main manufacturing use

Corporate Park District Permitted Use

Cafeteria accessory to primary use

It was noted earlier in the presentation that primary uses need to be specifically listed in the Use Tables in order to be allowed on a property.

Accessory uses (those subordinate uses that are located on the same lot as the main use, related to it, and are usual or necessary adjunct to the main use) can be allowed subject to certain conditions and approval by the Zoning Administrator. They do not need to be listed in the Zoning Ordinance.

However, some use tables list accessory uses where it is not necessary. The slide above provides those examples.

In addition to accessory uses, there are incidental uses. The Zoning Ordinance defines these uses as: “a subordinate use which is located on the same lot as the main use and occurs in conjunction with the primary use. Incidental uses must be specifically permitted in this chapter.” The difference between accessory and incidental is unclear and can cause confusion. Staff propose either removing incidental or clarifying the difference between incidental and accessory.

Address Special Districts

- Corporate Park
- Regional Health Care
- Conservation Residential Development
- Institutional Uses (not existing district)

Some Zoning Districts were created with specific areas of land in mind. Two of these include the Corporate Park District and the Regional Health Care District. The latter was established for the land where Cheshire Medical Center is placed. The former is for the land near and encompassing Black Brook Corporate Park off Route 12. Staff propose conducting a thorough review of / potentially updating these Districts to ensure that meet the current and future needs of those areas. Staff will engage the property owners of these land areas in their review. If changes are proposed beyond organizational/structural or basic edits, staff will review these proposed changes with the Joint Committee.

The Conservation Residential Development (CRD) District is a Zoning District that does not have land area associated with it. It acts more likely an overlay district; however, it does not come into effect until someone proposes to do a subdivision of three lots or more and a road. The Planning Board Subdivision Regulations address the requirements / standards for applicants in proposing a CRD as well as the standards by which the Planning Board would review a CRD. The Zoning District addresses the minimum lot size requirements and use requirements of CRDs. It is very confusing to have these regulations in two separate places. Staff propose taking CRD out of the Zoning Ordinance (or reducing what is included in the Zoning Ordinance related to CRDs where possible).

Finally, Institutional is not currently a zoning district. Institutional uses are addressed

through both the use tables as well as a listing of streets in Keene that allow for institutional uses. Staff propose updating the way that the Zoning Ordinance addresses Institutional Uses to make it clearer as to what an institutional use is, where they should be located, and any criteria/conditions for these uses.

Review and Update Dimensional Table

BASIC ZONE DIMENSIONAL REQUIREMENTS											
	Zones										
	C	A	R	LD	LD-1	MD	HD	HD-1	CB	CBL	COM
Maximum building height (in stories above grade not including habitable attics)	2	2	2	2	2	2	2	3	4 (b)	4	2 (b)
Maximum building height (in feet)	35	35	35	35	35	35	35	50	55(b), (l)	55	35 (b)
Maximum building height with 1st floor parking only											
Maximum building height for incentive-eligible projects											
Maximum building height for incentive-eligible projects with 1st floor parking only											
Minimum lot area	5 acres	10 acres (l)	5 acres (a), (e)	10,000 sf	1 acre (p)	8,000 sf	6,000 sf	2 acres	None	10,000 sf	15,000 sf
Minimum lot area for incentive-eligible projects											

The slide displays only a small portion of the Zoning Ordinance’s Basic Zone Dimensional Requirements table. This is the primary place to understand the building lot size, setbacks, lot coverage requirements for all districts. It is a large table. Staff propose updating this table to ensure that the dimensions included are consistent with other sections of the Zoning Ordinance and also to simplify this table where possible.

An earlier slide proposed including the dimensional requirements for each zoning district with the other content (i.e. intent statement, use table) for these districts. We may choose to do both – keep the dimensional requirements with each district as well as keep a master table for all districts that could be used as a quick reference guide.

At this time, we do not foresee making changes to the dimensional requirements for the districts that are the focus of this presentation. However, we may learn more from the neighborhood meetings and community about interest in changing these dimensional requirements. If we do, we will bring this topic back to the Joint Committee.



Prior to this meeting, the Planning Board had two discussions on this topic, one in January and a follow-up in March.

For tonight’s discussion, staff propose a review of the recommended changes / updates to the Planning Board Development Standard on Lighting. Lighting standards appear in the City’s Code of Ordinance in Section 70-128 with respect to street lighting.

For the purposes of this project, we will focus on the Planning Board Development Standard for lighting, which we have heard over the years that there is a need to update in some sections. The Planning Board Development Standards are used by the Planning Board and Staff in their review of Site Plans. These are the standards that need to be met as part of the site plan process.

The site plan review process applies to privately owned land, and to uses/structures that are commercial (including multifamily development of 3+ units). Single and two-family residences are exempt from Site Plan Review.

The next slides revisit identified issues with the existing lighting standards, including feedback staff has received from applicants and lighting contractors. In addition, staff will review changes that we propose to make on these standards.

Exterior Lighting's current stated Purpose & Intention:

- Ensure Safety: Vehicles & Pedestrians
 - Minimize Light Trespass and Glare
 - Prevent the Degradation of Night Sky
- Protect the Adjacent Natural Environment
 - Complement Architecture
 - Encourage Energy Conservation

The purposes/intents for the Planning Board Lighting Standard are listed on this slide.

Summary of Comparison to NH Communities

- Keene's standards are thorough
- Terms are not defined
- Limited vertical lighting is allowed elsewhere for highlighting architecture
- Some are using light/zoning districts to specify ambient light levels consistent with land use context

Staff examined the lighting standards used by the following communities.

- Dover
- Keene
- Concord
- Portsmouth
- Plymouth
- Manchester
- Cambridge, MA

In our review, we observed that Keene's standards are generally very thorough. However, terms are not defined. As part of this project, there will be one definitions section that can include lighting specific terms. It was also observed that some communities include standards for uplighting, which Keene does not. Cambridge MA has designed lighting standards specific to zoning districts.

FEEDBACK SUMMARY

- Updated structure would improve clarity to applicants.
- “Exceptions” section is out of date; LEDs are now prominent
- “Illumination” section needs to incorporate the LED fixtures.
- Uniformity Ratios are too strict / could be more flexible
- Gas Canopy Lighting Limits are outdated
- Minimum Pedestrian Light Level is low.
- “Shielding”, “Glare” and “Up-lighting”: not well-specified & lack flexibility.

Staff spoke with local applicants as well as lighting contractors regarding the Planning Board lighting standards. A summary of the feedback received is listed on this slide.

PROPOSED STRUCTURE IMPROVEMENTS

- Streamline the Purpose Statement
- Remove the Intent Section
- Reduce redundant language where possible
- Include more precise language regarding standards

This slide presents the proposed areas of improvement to the standard.

Purpose Statement

“The City of Keene Planning Board recognizes that inappropriate, poorly designed, and excessive outdoor lighting causes glare and unsafe driving conditions; results in light pollution that limits the ability of citizens to enjoy the nighttime sky, results in the unnecessary use of electricity, and adversely impacts the enjoyment of adjacent properties.

Therefore, *it is the purpose of Standard #10 to enhance public safety and welfare by providing for adequate and appropriate outdoor lighting, providing for lighting that will complement the character of the city (both urban and rural areas), reduce glare, minimize light trespass, reduce the cost and waste of unnecessary energy consumption and prevent the degradation of the night sky.”*

This slide shows the current Purpose Statement for the lighting standard. This statement is very lengthy and could be streamlined to be more precise while maintaining its intent. Staff propose potentially reducing this statement to the words in red.

Intent Statements

1. Design lighting with consideration of the setting, use, architecture, landscaping, existing trees, neighboring properties, & the architectural & community character & scale of the surrounding area...
2. Provide lighting levels that are reasonably uniform to avoid very bright & very dark areas.
3. Provide lighting levels that are appropriate to the task, use &/or condition of site
4. Ensure that objects appear as close to a natural color as possible.
5. Ensure that fixtures prevent glare & spillover onto adjacent property or into the sky...
6. Allow flexibility in mounting heights in order to achieve lighting that is compatible with the scale of the surrounding architecture...
7. Encourage the use of sensor or time controlled lights for security lighting and for energy savings.
8. Preserve the rural character of the community in non-urbanized areas.
9. Encourage use of new technologies.
10. Avoid unnecessary use of electricity and encourage energy efficiency.

Following the Purpose Statement, there is a list of 10 Intent Statements. Staff question whether these additional intent statements are necessary. They do not outline standards that applicants are required to follow and they repeat portions of the purpose statement.

Proposed Updates to Standards

- Address advances in technology
- Update certain sections to provide clarity
- Allow for increased administrative review
- Consider revisions to required light levels for:
 - Parking lots
 - Gas station canopies
 - Walkway lighting

Staff have identified some areas where updates could be made to the Lighting Standards. These areas of updates are listed on this slide and further explained on the following slide.

Address Technological Advances

10.E. Exceptions

“Technological advances in outdoor lighting lamp sources may allow for options not considered in these standards. Induction (electrodeless) or LED lighting are two current examples. The use of new technologies, and especially those that have energy saving properties, are encouraged.

Applications that use new technologies, and follow the purpose and intent of the ordinance will be considered and evaluated for approval.”

Section 10.E of the Planning Board Development Standards

At the end of the lighting standards there is a section on Exceptions, which is listed on the slide. Staff propose removing this section and ensuring that the standards speak to all forms of technology. LED has become common practice and is no longer the exception.

The last statement of this section on Exceptions makes it unclear as to how these newer technologies will be considered and evaluated by the Board and staff.

Address Technological Advances

10.C.1. Shielding:

All lights, including lights placed on buildings, ***shall be fully shielded (full cut-off), opaque fixtures***, with no portion of the bulb visible. Uplighting is prohibited.

10.C.2. Illumination:

All illumination shall be of a white light, such as but not limited to, color corrected high pressure sodium, metal halide, incandescent or a combination of lamps ***having a color rendering index greater than seventy (70)²***.

Section 10.C of the Planning Board Development Standards

The term “full cut-off” is seen as outdated. Staff propose including the requirement that all lights be “Dark Skies Compliant”. This is a label that manufacturers use on their specification sheets. This requirement would not be more onerous than what we currently require. It may provide more flexibility with how an applicant meets the current standards.

With respect to Illumination – the current standard addresses the color of light and color rendering index (CRI) threshold. CRI is a measure of a light source's ability to show object colors "realistically" or "naturally" compared to a familiar reference source, either incandescent light or daylight. It is viewed as a difficult metric for incandescent replacement light bulbs to match (while maintaining high efficiency) and is often ignored. CRI value does not readily appear on LED product specs sheets. However, LED light bulbs with a high CRI can be a good replacement for incandescent. Most LED lights do not have a CRI over 90. This standard needs to be reviewed to see if it adequately addresses LED technology which emits a blue light (not white) light, and has a different color rendering index from incandescent bulbs.

Update Hours of Operation

10.C.6. Hours of Operation:

Outdoor lighting shall not be illuminated between the hours of 10 pm and 6 am with the following exceptions:..

- If the use is being operated, such as a business open to customers, or where employees are working or where an institution or place of public assembly is conducting an activity, ***normal illumination shall be allowed during the activity and for not more than one hour after the activity ceases.*** This excludes 24-hour businesses.

Section 10.C.6. of the Planning Board Development Standards

The lighting standards address Hours of operation – when lights can be on or at full display.

The section in red notes that “normal illumination shall be allowed during the activity and for not more than one hour AFTER the activity CEASES. Recently, an applicant for a fast food restaurant sought to have normal illumination for one hour before the activity began, as it is dark during the early morning shift for restaurant workers.

Staff recommend changing this section to state “not more than one hour after or before the activity.”

Update Existing Lighting Section

10.C.7. Existing Lighting:

When 50% or more of the *lights* of an existing outdoor lighting installation are being modified, extended, expanded or added to, the entire outdoor lighting installation shall be subject to the requirements of Standard #10.

When less than 50% of the *lights* are being modified, extended, expanded or added to, those lights being installed, modified, extended or expanded shall be subject to the requirements of this standard.

This slide shows the lighting standard related to existing lighting arrays. It is unclear from the use of the term "Lights" whether this standard applies when 50% or more of the existing light bulbs, fixtures, and/or poles are modified, extended, expanded, or added to... Staff propose clarifying whether this applies to light fixtures and/or light poles.

Increase Opportunity for Administrative Review

10.C.5. Floodlighting:

Floodlighting is prohibited, unless:

- a. The lights are directed toward the rear of a lot, placed on heat or motion sensors, and are directed away from the road and neighboring properties, **and**
- b. The **Planning Board determines** that there will be no negative impact upon motorists and neighboring properties.

This slide shows the existing language in the lighting standard with respect to flood lighting, which is prohibited unless certain standards are met.

In order to allow for flood lighting the applicant needs to meet the standards as well as receive approval from the Planning Board.

Staff propose that approval of flood lighting may be granted by the Planning Director via administrative review if the applicant meets the standards that are listed.

Proposed Sections to Revise Light Levels

10.D.1. Parking Lot Lighting

- Focused on Uniformity Ratio of 4:1
(equals ratio of average to min illumination levels)
- Includes footcandle (fc) recommendations from IESNA

Level of Activity	Footcandle Recommendations (IESNA)					
	General Parking & Pedestrian			Vehicle Only		
	Ave.	Min.	U. Ratio ³	Ave.	Min.	U. Ratio
High	3.6	0.9	4:1	2	0.67	3:1
Med	2.4	0.6	4:1	1	0.33	3:1
Low	0.8	0.2	4:1	0.5	0.13	4:1

There are specific lighting standards for certain uses such as parking lots, gas station / gas station canopy, and walkways. Based on feedback received from applicants, staff propose reviewing / potentially updating these specific standards.

With respect to parking lot lighting, we have heard that the U:Ratio is too strict and difficult to meet, especially with LED technology. Staff proposes investigating this specific standard further as well as revisiting the table for recommended footcandles for certain levels of activity. We may find that the U:Ratio should be maintained at 4:1, however it is important to explore options for improving this standard, if possible.

As it is unlikely there would be a parking lot that is for vehicles only and not pedestrians as well, we propose removing the section of the table specific to vehicle only. However, we recommend that we examine the table to ensure it is consistent with IESNA recommendations for light levels.

Proposed Sections to Revise Light Levels

10.D.2. Gas Station Island & Canopy Lighting

- Repeated waiver requests
- Current standard calls for 1 to 5 fc
- In the field readings of canopy lighting range from 9 to 53 fc

10.D.3. Walkway Lighting

- Some have noted as too low
- Current standard limits to avg. illumination no greater than 0.5 fc and max level of 2 fc

With respect to Gas Station Island and Canopy Lighting, we have received numerous waiver requests from meeting the standard, which requires that the footcandles for this lighting be between 1 and 5. In the field readings of existing canopy lighting ranges from 9 footcandles to 53.

Staff propose exploring whether there is a way to increase this standard without jeopardizing the intent of the standards/regulations/master plan.

With respect to Walkway lighting, it has been noted that these light levels are fairly low. Staff propose reviewing options for increasing these light levels while still maintaining the intent of the regulations.

Discussion & Questions



If you have any questions regarding this presentation, please do not hesitate to reach out to me (Tara Kessler) directly (tkessler@ci.keene.nh.us) and I would be happy to set up a time to meet.