

Claremont Open Space/Subdivision Ordinance Advisory Committee

Summary of Committee Findings and Recommended Action Items

August 5, 2010

The Open Space and Subdivision Ordinance Advisory Committee (OSSOAC) was convened by Guy Santagate, Claremont City Manager, on September 1, 2009. Since the first meeting the OSSOAC has met regularly and taken a close look at land use and development issues and opportunities in the City of Claremont. Throughout this process the City Planning and Development Department and UVLSRPC have provided technical assistance and guidance. This report summarizes the findings of the OSSOAC including recommended actions and a general timeline for such actions.

Committee Process

The OSSOAC committed substantial energy in assessing existing land use issues as they relate to the existing landscape and economy as well as potential development opportunities. The OSSOAC used numerous reference documents including the City's Zoning Ordinance - the principal land use regulation in the City - and the recently updated Master Plan Land Use Chapter. Additionally, the OSSOAC reviewed mapping exercises to address and gain an understanding of the overall City geography and potential future development nodes. Copies of the maps and planning exercises developed during this investigation process are included in Appendix A.

In addition to analytical tools and reference to City documents the OSSOAC members discussed their own, extensive experience regarding land use issues and the goal of improving economic conditions in the City. The committee members recognized the need for establishing a clearly defined set of goals for its recommendations.

Committee Findings and Recommendations

Given the poor success rate of past land use ordinances, particularly open space ordinances, the OSSOAC chose to address the Zoning Ordinance and determining ways to encourage growth and development. Part of this new approach included developing a roadmap of possible regulatory changes along with a recommended process for action. The intent is to make small, incremental changes to land use regulations over time. Such an approach ensures that each step can be simple, easy to communicate, and understand.

Fundamentally, the OSSOAC observed that there is substantial need for an overhaul of the Zoning Ordinance. Such an endeavor is not simple, nor is it practical to complete at once. The OSSOAC recognized that more work is required of future volunteer committees and City Staff.

The following is an overview of goals developed by the committee:

- Encourage economic development by lessening regulations on home occupations. Such a change will improve opportunities for individuals to develop businesses, which may evolve and expand and stay within the community.
- Improve and broaden the existing land use table for the individual zoning districts to address contemporary land uses. Investigate performance-based code where the zoning addresses more the impacts of a given land use rather than contemplating all

possible land uses. Such an approach would give the zoning more flexibility to accommodate land uses not contemplated at this time.

- Develop purpose statements for all zoning districts in the Zoning Ordinance. At present only the more recently adopted zoning districts include purpose statements. Adopting purpose statements for all zoning districts will help clarify the intent of each district to all parties involved in the City's future development: City Staff, volunteer and elected city officials, private developers, and the general public.
- Follow-through with the recommendations of the Master Plan Land Use Chapter to amend the existing zoning districts in the downtown. Such changes will enable zoning to be more responsive to the broad range of mixed uses possible in the downtown.
- Evaluate how best to promote infill development within the existing municipal water and sewer service districts to utilize existing infrastructure.
- Promote balanced economic and land use changes through engaging the public early and often.

Many of these are fairly lofty goals. The OSSOAC developed the following short list of recommended actions that are consistent with the above goals while making distinct and measureable changes to the Zoning Ordinance.

Amend the Home Occupation Permitting Process

The current process to permit a home occupation is somewhat daunting to an entrepreneur to establish a home business. Regardless of the scale of the proposal it must go before the Zoning Board of Adjustment for a Special Exception. A short-term improvement would be to amend the definition of a home occupation and simplify the permitting process for the majority of home occupations. Appendix B includes draft language for updating the existing Home Occupation definition and permitting process.

The OSSOAC believes this proposal is simple, easy to communicate and understand. Therefore, the committee recommends proceeding immediately with an amendment to the Zoning Ordinance. Desired and measurable results include:

1. Track new applications and evaluate trends from year-to-year. Positive results can be incorporated into regional economic development and marketing campaigns.
2. Change the anecdotal perception that Claremont is a difficult place to start a business.
3. Protect citizens by making the permitting process - and individual compliance - easier. Increased participation in the permitting process improves City oversight of home occupations.
4. Demonstrate that regulations are sensitive to the cost of doing business, particularly for smaller businesses.

Downtown Zoning Overlay District

Appendix C includes the summary report for what is currently referred to as the Downtown Opportunity District. By consensus the OSSOAC sought to find a process to implement the recommendations of the Master Plan Land Use Chapter to revise zoning districts in the urban core. The OSSOAC also agreed such an effort would be complex and difficult for a committee to execute. The Downtown Opportunity District (DOD) is an intermediate step to overhauling zoning in the downtown by introducing a zoning overlay district.

The DOD would seek to broaden the success of the Mill District redevelopment effort to the surrounding commercial and residential zoning districts. The DOD would overlay the six existing zoning districts in the downtown. Such an overlay district would create opportunities for economic development in the downtown by encouraging mixed uses, infill development, and commercial redevelopment opportunities. Fundamentally, this overlay district would be flexible to accommodate uses not even contemplated in the existing Zoning Ordinance.

Desired and measurable results include:

1. Draw commercial interests to the central business district and away from suburban development patterns on the City's periphery.
2. Shine a spotlight on the downtown as a walkable, vibrant area with a broad range of activities and uses (residential, commercial, cultural, office, etc.).
3. Measures of success may include increased parking demand and decreased vacancy rates for buildings.
4. Increased use of downtown parcels will utilize existing roads and municipal services to maximize municipal investment and returns.

Next Steps

Appendix D includes a general timeline for the recommended actions to make substantial changes to the City's Zoning Ordinance. The OSSOAC recognizes improving economic development opportunities in the City includes removing regulatory barriers. These recommendations are the most direct and effective means to promote short-term benefits and begin a broader reassessment of the City's zoning. Each member of the committee is eager to continue work in this process and looks forward to the opportunity to present these findings in a public forum.

APPENDIX A

City of Claremont, NH

Developable Land in Rural Zones (AR, RR and RR-2 Zoning Districts)

Legend

-  Local Roads
-  State Roads
-  Contiguous Developable Areas (≥ 10 ac) Rural Zones
-  Parcels in AR, RR & RR-2 Zones
-  Other Parcels

Rural Land Analysis Summary

*Excludes municipally-owned parcels and conservation areas

19,764 total acres of parcels zoned AR, RR, and RR-2
14,209 acres of developable land in parcels zoned AR, RR and RR-2

There are 75 blocks of contiguous developable area ≥ 10 ac
These blocks cover 13,859 acres of AR/RR/RR-2 zoned parcels



Map created by Upper Valley Lake Sunapee
Regional Planning Commission, January 2010,
for the City of Claremont Open Space Committee.

DATA SOURCES:

Parcel data, 2009, with zoning information provided by the City of Claremont. Road data, 2009, from the City of Claremont.

Water and sewer service areas from the City of Claremont Master Plan, 2007, data developed from City data by UVLSRPC.

Wetland areas from National Wetlands Inventory, USFWS, 2001, and poorly and very poorly drained soils from NH soil survey composite, USDA NRCS, 2009.

Steep slopes developed from 20-ft contour intervals, from the City of Claremont Master Plan, 2007, by UVLSRPC.

Waterbodies from NH Hydrography Dataset, 2006, from NH GRANIT.

Municipally-owned and conservation lands were excluded from this analysis; conservation lands information from NH GRANIT, last updated 2009.

This map is to be used solely for planning purposes.



City of Claremont, NH

Parcels with Access to Sewer and Water

Legend

-  Local Roads
-  State Roads
-  Sewer Service Area
-  Water Service Area
-  Developable Parcels in Water & Sewer Service Areas
-  Developable Parcels in Sewer Service Area Only
-  Developable Parcels in Water Service Area Only
-  All Parcels

Parcel Analysis Summary

5034 total parcels in Claremont
167 are municipally-owned parcels or conservation areas
4,019 parcels have water service available
3,402 parcels have sewer service available
3,366 parcels have both water and sewer service available
36 parcels have only sewer service available
653 parcels have only water service available



Map created by Upper Valley Lake Sunapee Regional Planning Commission, January 2010, for the City of Claremont Open Space Committee.

DATA SOURCES:
Parcel and road data, 2009, provided by the City of Claremont. Water and sewer service areas from the City of Claremont Master Plan, 2007, data developed from City data by UVLSRPC. Municipally-owned and conservation lands were excluded from this analysis; conservation lands information from NH GRANIT, last updated 2009.

This map is to be used solely for planning purposes.



City of Claremont, NH

Developable Land

Legend

-  Local Roads
-  State Roads
-  Constraints: Wetland, Water, Steep Slopes
-  Developable Parcels in Water & Sewer Service Areas
-  Developable Parcels in Sewer Service Area Only
-  Developable Parcels in Water Service Area Only
-  Other Parcels

Land Analysis Summary

*Excludes municipally-owned parcels and conservation areas

Considering entire acreage of parcel, developable land =
9,586 acres of parcels with water service available
6,179 acres of parcels with sewer service available
5,642 acres of parcels with water and sewer service available

Considering environmental constraints, developable land =
7,479 acres of parcels with water service available
6,179 acres of parcels with sewer service available
4,435 acres of parcels with water and sewer service available



Map created by Upper Valley Lake Sunapee
Regional Planning Commission, January 2010,
for the City of Claremont Open Space Committee.

DATA SOURCES:

Parcel and road data, 2009, provided by the City of Claremont.
Water and sewer service areas from the City of Claremont Master
Plan, 2007, data developed from City data by UVLSRPC.

Wetland areas from National Wetlands Inventory, USFWS, 2001,
and poorly and very poorly drained soils from NH soil survey
composite, USDA NRCS, 2009.

Steep slopes developed from 20-ft contour intervals, from the City
of Claremont Master Plan, 2007, by UVLSRPC.

Waterbodies from NH Hydrography Dataset, 2006, from NH
GRANIT.

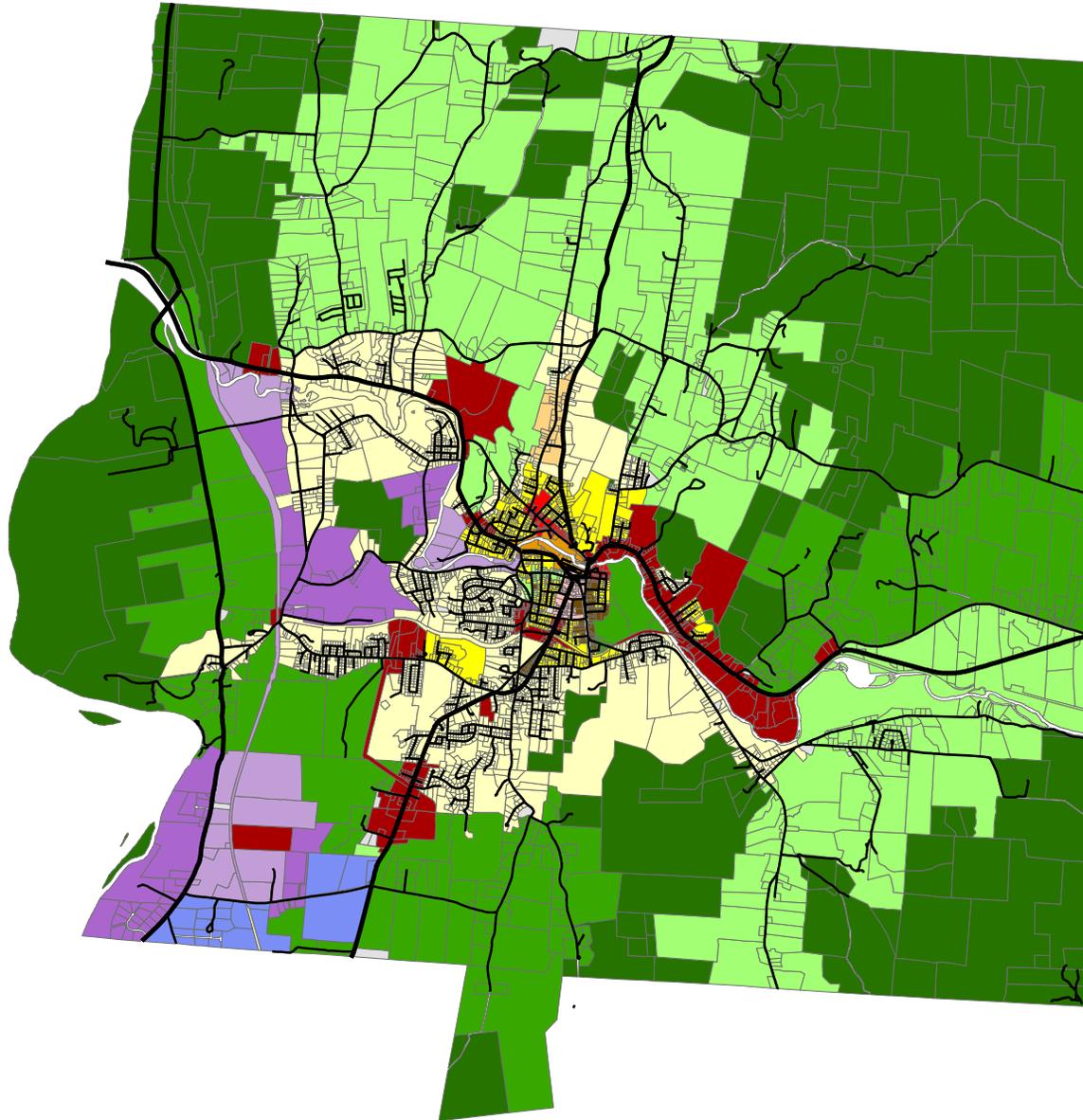
Municipally-owned and conservation lands were excluded from this
analysis; conservation lands information from NH GRANIT, last
updated 2009.

This map is to be used solely for planning purposes.



City of Claremont, NH

Zoning Districts by Parcel



Legend

- | | | |
|-------------|-----------------------|------|
| Local Roads | Parcel not classified | MUHD |
| State Roads | AR | MUM |
| B1 | B1.5 | PR |
| B2 | I1 | R1 |
| I2 | I3 | R2 |
| | | RR |
| | | RR2 |



Map created by Upper Valley Lake Sunapee Regional Planning Commission, January 2010, for the City of Claremont Open Space Committee.

DATA SOURCES:
Parcel data, 2009, with zoning information provided by the City of Claremont. Road data, 2009, from the City of Claremont.

This map is to be used solely for planning purposes.



City of Claremont, NH

Large Residentially-Zoned Parcels

Legend

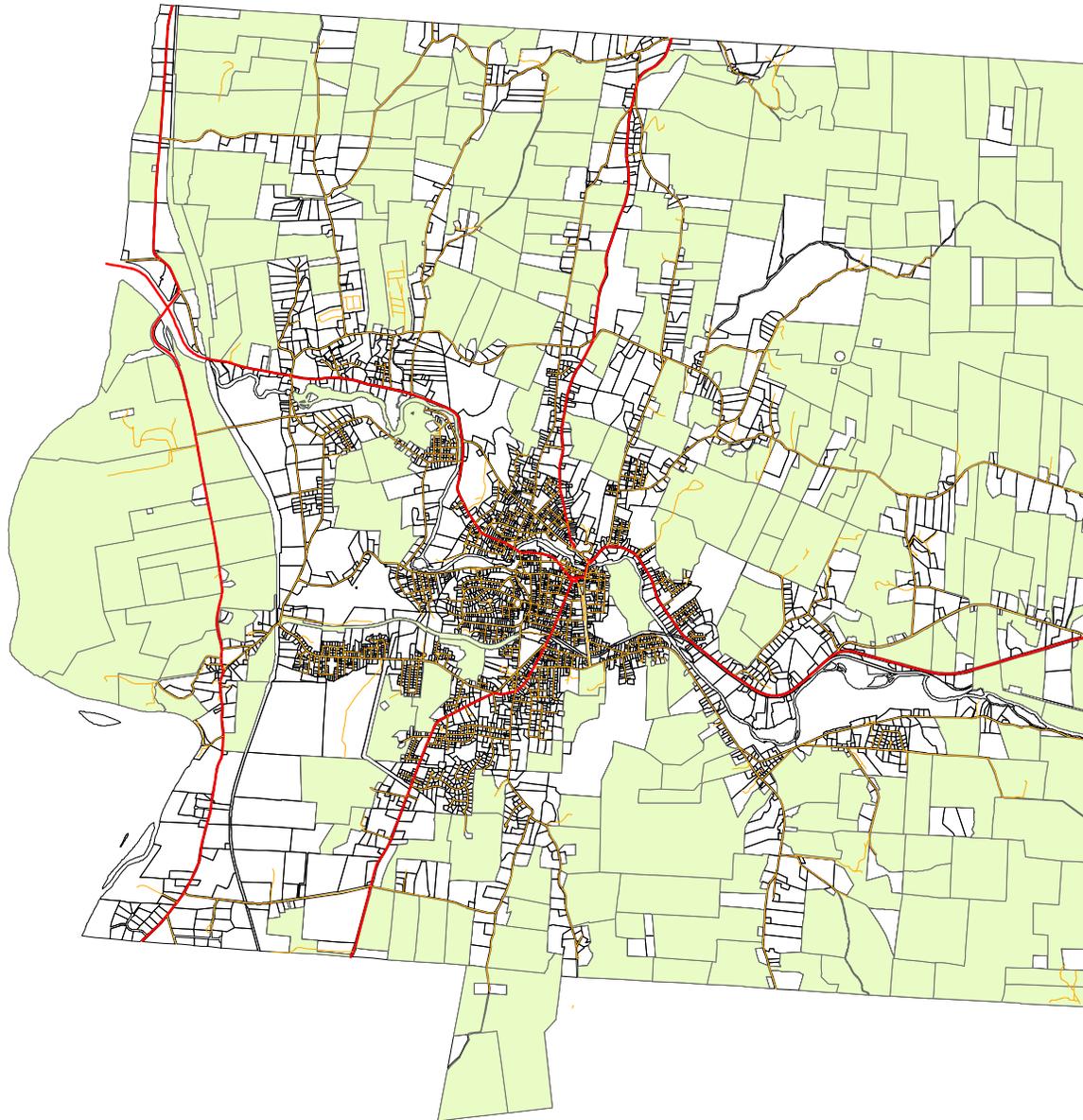
-  All Parcels
-  Large Parcels (> 20 ac) in Residential Zones
-  Local Roads
-  State Roads



Map created by Upper Valley Lake Sunapee
Regional Planning Commission, February 2010,
for the City of Claremont Open Space Committee.

DATA SOURCES:
Parcel and road data, 2010/2009, provided by the City of
Claremont.
Large parcels identified based on GIS calculation of acreage, 2010.

Municipally-owned and conservation lands were excluded from this
analysis; conservation lands information from NH GRANIT, last
updated 2009.
This map is to be used solely for planning purposes.



City of Claremont, NH

Vacant Parcels

Legend

-  Vacant Parcels
-  Other Parcels
-  Water Service Area
-  Sewer Service Area
-  Local Roads
-  State Roads
-  Environmental Constraints



Map created by Upper Valley Lake Sunapee
Regional Planning Commission, February 2010,
for the City of Claremont Open Space Committee.

DATA SOURCES:

Parcel and road data, 2010/2009, provided by the City of Claremont.

Vacant parcels identified based on assessor's table for building value, 2010.

Water and sewer service areas from the City of Claremont Master Plan, 2007, data developed from City data by UVLSRPC.

Environmental constraints include the following:
Wetland areas from National Wetlands Inventory, USFWS, 2001,
and poorly and very poorly drained soils from NH soil survey
composite, USDA NRCS, 2009.

Steep slopes developed from 20-ft contour intervals, from the City of Claremont Master Plan, 2007, by UVLSRPC.

Waterbodies from NH Hydrography Dataset, 2006, from NH GRANIT.

This map is to be used solely for planning purposes.



APPENDIX B

Provisions for Business Developments in the City.

Approach for Home Occupation: The following outlines changes to the Zoning Ordinance that would refine and improve upon the Home Occupation definition and regulation in the City.

REVISED DEFINITION

Home Occupation/Home Business shall mean the use of a portion of a residential unit or accessory unit on the same lot for a business venture. A Home Occupation shall be accessory to the primary residential use of the property and employ no more than two (2) non-residents. Such use must not change the residential character of the building and must create no nuisance, odor, noise, glare, vibration noticeable off premises, or safety hazard. There shall be neither outside storage of materials nor displays of stock in trade. Shipments sent or received by this use shall be conveyed by vehicles that are customarily used for residential deliveries.

Home Occupations are permissible in all zoning districts that allow residential uses under the following conditions:

- a. The operation of the business does not conflict with the surrounding uses and the general purposes of the zoning district in which it is located.
- b. The business shall provide off-street parking for employees and clients, unless not required in the overlying zoning district.

PERMITTING PROCEDURE

Permitting Home Occupations - Every home occupation shall require a permit from the Zoning Administrator, except if all of the following conditions apply:

- a. The conduct of the business is contained entirely within the primary residence.
- b. Resident(s) of the property operate the business and do not employ individuals who are not residents of the property.
- c. The activities of the business shall not create any evidence of the home occupation outside the building.
- d. The business does not require regular visitation by clients or customers.

Appeals to decisions by the Zoning Administrator shall be made to the Zoning Board of Adjustment.

APPENDIX C

The following is summary of the purpose and goals of the Land Use Chapter, revised February 2008, and how the proposed Claremont Downtown Opportunity District (CDOD) meets those goals. This report is preliminary in nature and subject to review and revisions by City Staff and the Open Space/Subdivision Ordinance Advisory Committee (OS/SOAC).

Overview of the Claremont Downtown Opportunity District

The CDOD under consideration at this time would be a new zoning overlay district in the City of Claremont Zoning Ordinance (Ordinance). There are currently five existing overlay districts in the Ordinance: the Historic, Floodplain, Floodway, Streambank, and Airport Approach districts. Each district provides additional standards to specific geographic areas that may encompass multiple existing zoning districts.

The goals of implementing CDOD overlay district would include:

- Encourage targeted private investment in the built environment historic structures in the downtown.
- Encourage a balance of uses in the downtown and the entire city.
- Revitalize an environment that will attract visitors, which will then attract commercial interest and private investment.
- Promote the efficiency of utilizing existing municipal infrastructure and services including roads, sidewalks, water, sewer, emergency services.
- Provide a catalyst for a mixed-use downtown. Accommodate mixed uses in the built environment that are in harmony with the surrounding uses.
- Allow for residential uses in the downtown to encourage travel modes other than the private car (e.g.: walking, cycling, transit).
- Managing city-wide growth and limiting sprawl in the urban fringe and rural areas.
- Promote living and working in proximity with cultural resources like the Opera House, recreation center, and library. Recognizing these resources as integral to overall quality of life in the downtown.
- Recognize the value of the value of a vibrant downtown and maintain it as an economic resource.

Formulating the proper legal framework for the CDOD will take some time to develop and finalize. The short-term task for the OS/SOAC is to reach consensus regarding whether to proceed with developing the CDOD through the established municipal process for changes to the Ordinance.

Functional Components of the Claremont Downtown Opportunity District

The CDOD will function as a regulatory tool that will provide developers and property owners the opportunity to develop or redevelop a parcel in a way that mimics the form and function of the historic downtown. The CDOD will promote density and mixed uses in the downtown as a means to direct development away from rural areas to the City's civic core. The following bullets summarize the specific aspects of the CDOD currently under consideration:

- Establish allowable mixed uses that are consistent with the underlying zoning district. The CDOD will not enable uses that conflict with the underlying district.
- Provide opportunities to utilize existing lots that may not currently meet dimensional requirements in the underlying district. Building setbacks, lot coverage, and form will be consistent with the surrounding built environment. Generally this means reducing setback and lot coverage requirements to match historic patterns.
- Adopt architectural design standards and design guidelines for streetscapes and building facades. Include design review as part of Planning Board Site Plan Review. This will compliment the existing review process required in the Historic District. Streetscape design may include green spaces, public areas (including outdoor dining), or bike racks.
- Adopt special provisions for reduced parking requirements for certain land uses and recognize opportunities for shared parking in the downtown to limit land area dedicated to parking. Encourage parking behind buildings so buildings, not parking lots, are adjacent to the public right-of-way.
- Promote streetscapes improvements in the district.
- Amend the sign regulations to allow for appropriate signage along sidewalks (e.g.: sandwich boards displaying daily sales/specials) to promote retail visits.
- Allow for housing that can accommodate present and projected demand for smaller dwelling units. Upper floor dwellings may be allowed by right (up to two units in a building). Multi-family proposals (three units or more) would require a special use permit.
- Develop performance-based standards in the development review process (e.g. - building use, parking demand, proposed lot density, proposed building design) to evaluate conformity the proposed use with the built environment.
- Consider allowances for neighborhood commercial (small-scale retail) to serve surrounding residential properties.
- Allow professional use of residences under certain criteria (may be addressed by Home Occupation provisions).

Claremont Downtown Opportunity District and the 2008 Land Use Chapter

The goals and principles of the CDOD incorporate the many of the findings and recommendations of the 2008 update to the Land Use Chapter:

1. Revitalization of the Downtown:

The goal of the CDOD is to focus redevelopment and investment interest in the downtown to promote revitalization of the City's civic core. The redevelopment of the downtown will have many secondary benefits including utilizing existing infrastructure, and encouraging rehabilitation of aging historic buildings and the overall built environment and improves the downtown tax base.

2. Promote a variety of housing options to meet the needs of a diverse population:

The CDOD includes provisions for mixed uses on a single parcel. This will allow for a range of opportunities for property owners. The CDOD would allow for housing opportunities that meet the projected demographic demand of an aging population and trends toward smaller household sizes. Allowing for residential uses in the CDOD will also promote alternative modes of travel and encourage pedestrian activity in the downtown. There is the opportunity to develop appropriate housing for a workforce who are seeking housing near places of employment in the downtown.

3. Manage growth to encourage sustainable land uses and promote a balance of uses in the City:

The CDOD offers the opportunity for balanced growth by promoting downtown redevelopment and revitalization. By encouraging downtown development opportunities the CDOD will relieve potential pressure to develop suburban and rural areas, which may have significant natural, scenic, and recreational value. While the CDOD will not single-handedly relieve development pressures on the City's natural resources it will improve opportunities to invest in and redevelop the downtown.

4. Take advantage of existing City services:

Throughout the Land Use Chapter there is reference to directing future development to utilize the existing infrastructure. The Land Use Chapter goes as far as stating that expanding the infrastructure and municipal services would cause the City to incur additional construction and maintenance costs with limited economic benefit. The Land Use Chapter also reports an estimate that the existing water and sewer systems are capable of serving a population of 20,000. It is important to note that the water and sewer networks serve only a portion of the overall City area. The implication is that there is opportunity for higher density development within the existing service area.

5. Encourage alternative modes of transportation:

The City maintains an extensive network of roadways and sidewalks. A significant portion of these roads and sidewalks are within the downtown area. The CDOD

would encourage redevelopment in a built environment that already has an established transportation network. With future development in the downtown, the City could focus more on improving infrastructure in the downtown than expanding roads on the urban fringe to meet growth in suburban and rural areas.

6. Promote the downtown as a cultural center:

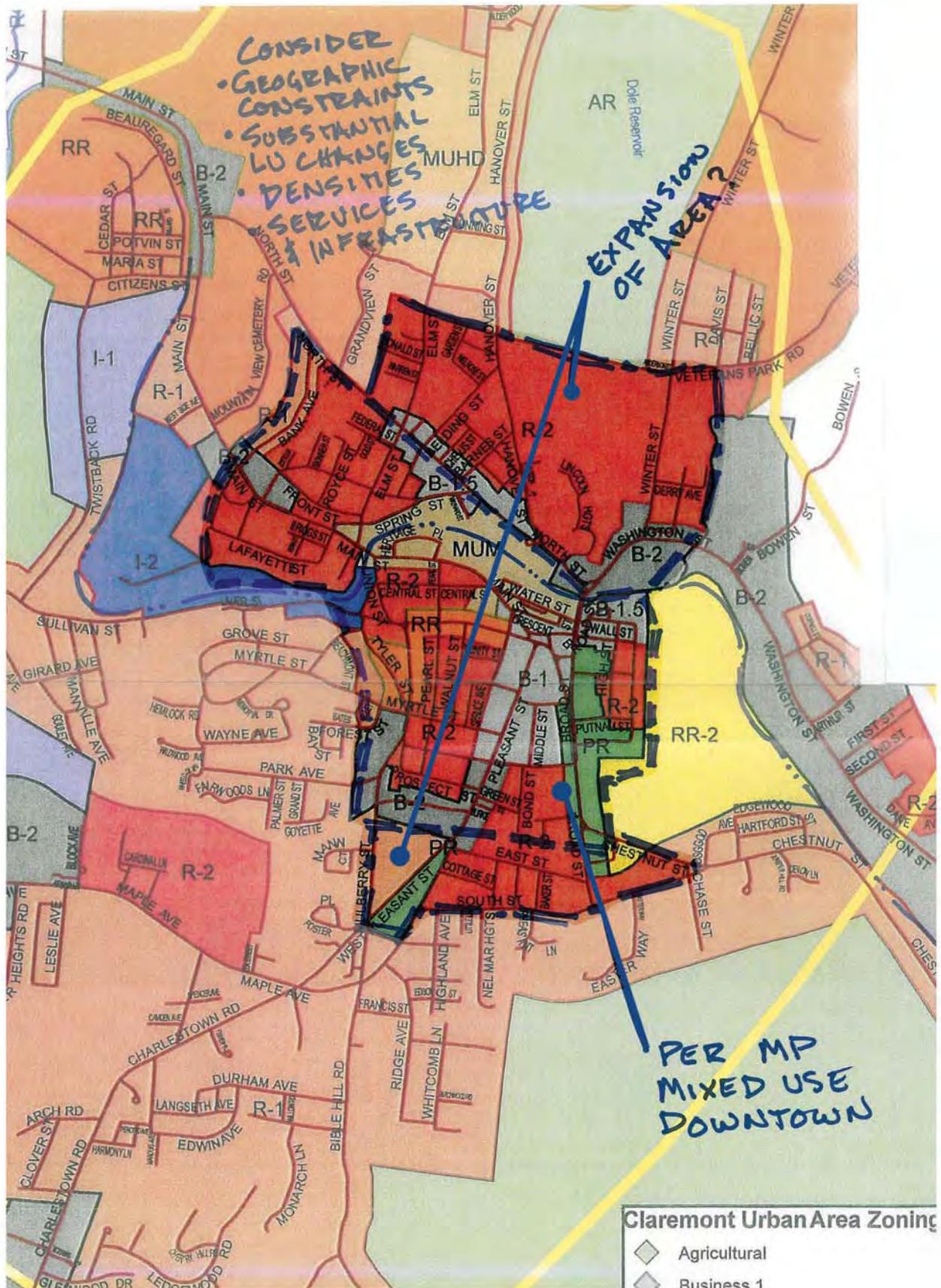
There are a number of cultural nodes in the downtown including the Opera House and the library. The CDOD seeks to promote future development so that individuals may choose to spend more time in the downtown to take advantage of the cultural activities and then visit shops or other destinations.

The Land Use Chapter addressed management of natural resources with the following quote. For the purposes of this report, it would be appropriate to expand the scope of the of the City's "resources" to a broader range of cultural and economic resources that are, by necessity, intertwined:

"The challenge for Claremont will be to manage growth in a manner that protects, and where necessary, enhance these resource areas."

The CDOD seeks to become part of the range of tools that meet that challenge.

CLAREMONT OS/SOAC - STAFF RECOMMENDATION
 DOWNTOWN OPPORTUNITY DISTRICT
 PRELIMINARY SKETCH OF DISTRICT EXTENTS
 APRIL 8, 2010



APPENDIX D

SHORT-TERM

WITHIN 6 MONTHS

Identify and implement immediate, necessary changes to the existing Zoning Ordinance:

- Modify permitted uses in existing districts
- Refine and expand definitions
- Develop Purpose Statements for Zoning Districts

Formulate a comprehensive approach to developing an Open Space Ordinance:

- Identify goals for the OS Ordinance and demonstrate how they are consistent with the City's Land Use goals
- Develop action plan and identify responsible parties for the plan (e.g.: volunteer boards, staff, recommend a committee)

Initiate process for identifying areas in the City for protection or development as overlay districts:

- Identify natural and scenic areas that are important to City
- Economic Opportunity District
- Urban/Downtown Infill District
- Clearly identify purpose and scope of the overlay districts

Present draft overlay districts to other City Boards and Committees for input.

Identify critical information that should be part of Municipal Planning Documents and responsible parties:

- Methods for Land Conservation Planning
- Natural Resource Inventory
- Master Plan Action Items
- Initial guidance for steps toward substantial regulatory changes

MID-TERM

6 MONTHS TO 1 YEAR

Continue Open Space Ordinance Process:

- Evaluate how updates to Municipal Planning Documents will support OS Ordinance and craft Ordinance based on progress to date
- Municipal documents will provide critical basis for OS Ordinance (e.g.: Municipal Land Conservation Plan, Master Plan Recommendations and Goals)

Finalize language and boundaries for Overlay Districts and present to Planning Board and City Council for review and approval.

LONG-TERM

1 YEAR TO 5 YEARS

Finalize Open Space Ordinance language:

- Municipal Planning Documents will support OS Ordinance
- Extensive participation by City staff, volunteers, and citizens

Modify City Zoning Districts:

- Utilize information from 2008 Land Use Chapter analyses to determine best configuration of revised districts
- Develop proposed districts based on future Land Use Plan and public feedback
- Initiate public review process (approx. 12-month process)



PLANNING AND DEVELOPMENT DEPARTMENT

14 NORTH STREET
CLAREMONT, NH 03743