OVERVIEW OF THE 2019 – 2020 MUNICIPAL LAND USE REGULATION SURVEY RESULTS

Noah D. Hodgetts, Assistant Planner
NH Office of Strategic Initiatives, Planning Division

December 9, 2020
How to Use Chat Function
Municipal Land Use Regulation Process

1. Create Planning Board
   - Set Bylaws
     - Adopt Master Plan
       - Capital Improvement Program
         - Impact Fees
       - Zoning Ordinance
         - Zoning Board of Adjustment
       - Subdivision Regulations
         - Site Plan Regulations
Municipal Land Use Regulation Survey

- RSA 675:9 establishes the New Hampshire Office of Strategic Initiatives (OSI) as the state repository for all local land use regulations and documents.

- RSA 675:9 authorizes OSI to conduct an annual survey of all municipalities in order to collect information pertaining to new and/or amended land use ordinances.
Completed by all, but five of the state’s 234 municipalities, 9 village districts with zoning authority, and Coos County.

Coos County has zoning authority over 23 unincorporated places in the North Country.

130 communities submitted zoning amendment updates after their 2020 Annual Town Meeting.
Municipal Land Use Regulation Survey Topics

- Municipal Planning Organizational Structure
- Land Use Regulations/Documents
- Master Plan Topics
- Housing Information
- Building Code Information
- Economic Development
- Planning & Development Techniques
- Water & Shoreland Regulations
- Energy Information

Overview of 2019 – 2020 Municipal Land Use Regulation Survey Results

PLEASE ONLY MARK CHANGES FROM THE 2018 SURVEY.

Municipality Contact Information - Please enter the contact information for the main person who is completing this survey.

First Name:          Last Name:          Title:          Phone Number:          Email:          Municipality Website:

Municipal Planning Organizational Structure - Please check all boxes applicable to the municipality and enter additional information.

Full-Time Planning Staff:          Part-Time Planning Staff:
Planning Consultant:          The Regional Planning Commission provides limited planning assistance to this municipality.
Planning Board (RSA 674-A):          Heritage Commission (RSA 674-A)
Zoning Board of Adjustment (RSA 674-A):          Historic District Commission (RSA 674-A)
Agricultural Commission (RSA 674-A):          Housing Commission (RSA 674-A)
Conservation Commission (RSA 674-A):          Natural Resources Commission (RSA 674-A)

Land Use Regulations/Documents - Please enter the date last amended and any applicable municipal regulation and its web site link.

<table>
<thead>
<tr>
<th>Regulation/Document</th>
<th>Date Last Amended (month/day/yr.)</th>
<th>Website Link (if applicable)</th>
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<td>Wireless Telecommunications ordinance</td>
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Master Plan Topics - Please check all boxes of the topic currently in the municipality's Master Plan (RSA 674-A).

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<th>Planning</th>
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<th>Utilities &amp; Public Service</th>
<th>Water &amp; Shoreland</th>
<th>Green Infrastructure</th>
<th>Neighborhood Plan</th>
<th>Other Topics** (i.e. Climate Change/Adaptation, Public Health, etc.)</th>
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Housing Information - Please complete all boxes applicable to the municipality.

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<th>How Are Accessory Dwelling Units Permitted? (As Of Right, By Conditional Use Permit, Or Special Exception)</th>
<th>How Are ADUs Permitted? (As Of Right, By Conditional Use Permit Or Special Exception)</th>
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<td>Are ADUs Required?</td>
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2020 Highlights

- **130** communities adopted zoning amendment updates
- **10** communities amended their Accessory Dwelling Unit (ADU) ordinances to allow detached units
- **4** communities adopted or expanded their workforce housing ordinances
- **11** communities adopted short-term rental regulations
- **17** communities adopted definitions for solar arrays or a solar energy systems ordinance
- **4** communities adopted 79-E, which provides property tax relief to encourage investment in rehabilitation of underutilized buildings in downtowns and town centers
A Patchwork of Regulations & Planning Capacity

- **18** communities, located primarily in Grafton and Coos County, do not have traditional zoning ordinances, but **8** of these communities have a Board of Adjustment.

- Only **2** communities at the far northern tip of the state, Pittsburg and Clarksville, do not have a Planning Board established under RSA 673:1.

- **56** communities have adopted historic district ordinances, but are all in the southern half of the state.

- **197** communities have adopted a wireless telecommunications ordinance with the only communities that haven’t clustered at the northern tip of the state or on the western edge.

- **72** communities have full-time planning staff; **80** communities have part-time planning staff; **11** communities rely on planning consultants; **78** communities have no planning staff.

- Regional Planning Commissions provide circuit rider planning assistance to **29** communities.
31 communities have adopted master plan updates since the beginning of 2019

An increasing number of communities are adopting master plan chapters which deviate from the master plan chapters enumerated in RSA 674:2
Housing Development Ordinances

- 70 communities have a workforce housing ordinance or a workforce housing multi-family overlay district in accordance with RSA 674:58-61

- Only 48 of these communities have an inclusionary zoning provision in their workforce housing ordinance

- 86 communities also levy impact fees and 23 communities have enacted growth management ordinances

- 78 communities employ age-restricted housing regulations
Accessory Dwelling Unit Ordinances

- **202** communities have adopted an ADU ordinance
- **169** communities require the principal dwelling unit or the accessory dwelling unit to be owner-occupied
- **96** communities allow accessory dwelling units in structures which are detached from the principal dwelling unit
- Just under half of the communities that regulate accessory dwelling units permit them as-of-right, while the other half require obtaining a conditional use permit or special exception
Short-Term Rentals
Innovative Planning Tools

- Mixed-Use Zoning (140)
- Inclusionary Zoning (48)
- Density Bonus (70)
- Cluster Development (177)
- Form-Based Code (6)
- Accessory Dwelling Unit Ordinance – detached (96)
- Planned Unit Development (44)
- Transfer of Development Rights (8)
- Village Plan Alternative Subdivision (5)
MLUR Survey Takeways

- Many communities are utilizing innovative planning and zoning approaches

- Remaining Challenges
  - Making sure communities are aware that these innovative planning tools exist
  - Making sure communities have the necessary resources and adequate capacity to adopt and administer these tools
  - Making the development community aware that a community has adopted particular innovative planning tools
  - Encouraging the development community to utilize such tools
All data, analysis, and maps can be accessed at:

[https://www.nh.gov/osi/planning/services/mrpa/land-use-survey.htm](https://www.nh.gov/osi/planning/services/mrpa/land-use-survey.htm)

- The State of Local Land Use Regulations in New Hampshire - 2020 Update
- Interactive Map
- Community-By-Community Snapshot
- Subject Specific Tables
The State of Local Land Use Regulations in New Hampshire – 2020 Update
Noah Hodgetts, Assistant Planner, NH Office of Strategic Initiatives
November 2020

RSA 675-9 establishes the New Hampshire Office of Strategic Initiatives (OSI) as the state repository for all local land use regulations including master plans, zoning ordinances, historic district ordinances, capital improvement plans, building codes, subdivision regulations, historic district regulations, and site plan review regulations. RSA 675-9 also authorizes OSI to conduct an annual survey of all municipalities in order to collect information pertaining to new and/or amended land use ordinances. This article highlights the results of the 2019 survey, which was completed by all, but five of the state’s 234 municipalities1 as well as nine village districts with zoning authority and Coos County, which has zoning authority over 23 unincorporated places in the North Country. In addition, this article summarizes zoning amendment updates submitted by 150 communities after their 2020 Annual Town Meetings.

The survey includes those municipalities that lack traditional zoning ordinances, as several have other types of land use regulations including residential subdivision regulations, non-residential site plan review regulations, a wireless telecommunications ordinance, sign regulations, and/or a drinking water protection ordinance. Several of the municipalities that lack traditional zoning ordinances are also participating communities in the National Flood Insurance Program and have separate floodplain development ordinances, which are tracked by our office’s State Floodplain Management Program separate from this survey.

2020 Summary
Aside from the usual definition changes and other routine zoning amendments passed to make sure municipal zoning ordinances are consistent with recent state statute changes, 2020 was a year in which communities passed a slew of other zoning changes ranging from wetland conservation ordinance updates to sign ordinance changes. Overall, 130 communities (60%) adopted zoning amendment updates, the vast majority of which were adopted through the Annual Town Meeting process. Of particular note, in 2020 10 communities amended their Accessory Dwelling Units (ADU) ordinances to allow detached units, 4 communities adopted or expanded their workforce housing ordinances, 11 communities adopted short-term rental regulations, 17 communities adopted definitions for solar arrays or a solar energy systems ordinance, and 4 communities adopted 7B-E, which provides property tax relief to encourage investment in rehabilitation of underutilized buildings in downtowns and town centers.

Accessory Dwelling Units
202 communities have adopted a provision in their zoning ordinance regulating Accessory Dwelling Units (ADUs) since RSA 674:71-73 went into effect on June 1, 2017, an increase of 8

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1 For the five communities that did not return their 2019 survey, OSI reviewed their 2019 Annual Report and 2020 Town Meeting Warrant and added applicable information on their behalf to the survey results.
## Community-by-Community Snapshot

### 2019 Municipal Land Use Regulation Survey

<table>
<thead>
<tr>
<th>Municipality Name</th>
<th>Date Complete</th>
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<tr>
<td>Acworth</td>
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**Municipality Contact Information**
- **First Name**: Jane
- **Last Name**: Smith
- **Title**: Administrative Assistant
- **Phone**: 555-432-1234
- **Email Address**: jane@acworth.net

**Municipality Website**: [Website Link](#)

**Planning Consultant**
- **Full-time Planning Staff**: Yes
- **Part-time Planning Staff**: Yes
- **Planning Board (RSA 673:1)**: Yes
- **Zoning Board of Adjustment (RSA 673:1)**: Yes
- **Heritage Commission (RSA 673:1)**: Yes
- **Historic District Commission (RSA 673:4)**: Yes
- **Housing Commission (RSA 673:6)**: Yes
- **Parks/Recreation Commission (RSA 35-B:4)**: Yes

**Land Use Regulations/Documents**
- **Capital Improvement Plans**: Yes
- **Street Improvement Plans**: Yes
- **Excavation Regulations**: Yes
- **Historic District Ordinances**: Yes
- **Master Plan**: Yes
- **Site Plan Regulations**: Yes
- **Subdivision Regulations**: Yes
- **Telecommunication Ordinance**: Yes
- **Zoning Ordinance**: Yes

**Master Plan Topics**
- **Vision (required)**
- **Economic Development (required)**
- **Natural Resources**
- **Utilities/Public Service**
- **Natural Hazards**
- **Other Topics (e.g., Climate Change Adaptation, Public Health, etc.)**

**Housing Information**
- **Utilities/Public Service**
- **Natural Hazards**
- **Natural Resources**
- **Community Character**
- **Travel Transportation**
- **Utilities/Public Service**

**Building Code Information**
- **Local enforcement of the state building code (RSA 674:5)**
- **Building Code Adoption/Amended Date**: [Website Link](#)

**Economic Development**
- **Economic Development Committee**: Yes
- **Downtown Revitalization Committee**: Yes
- **Community Revitalization Tax Relief Incentive Program (RSA 35-E:4)**: Yes
- **Coastal Resiliency Zone (RSA 79-E:4)**: Yes
- **Coastal Resilience/Cultural and Historic Reserves District (RSA 12-A:8)**: Yes
- **Tax Increment Finance (TIF) Districts (RSA 162:4)**: Yes

**Planning/Development Techniques**
- **Architectural Design Standards**: Yes
- **Cluster Development**: Yes
- **Conservation/Open Space Development (RSA 673:2)**: Yes
- **Cohousing**: Yes
- **Density Bonuses**: Yes
- **Sign Regulations**: Yes
- **Village Plan Alternative Subdivision (RSA 673:2)**: Yes

**Water and Shoreland Regulations**
- **Groundwater and/or Aquifer Protection Ordinance**: Yes
- **Shoreland Protection Ordinance**: Yes
- **Surface Water Protection Ordinance**: Yes
- **Wetland Protection Ordinance**: Yes
- **Wetland Buffer Ordinance**: Yes

**Energy Information**
- **Energy Efficiency and Clean Energy District (RSA 52-F)**: Yes
- **Outdoor Wood-Fired Hydronic Heating Ordinance (RSA 125-B:7)**: Yes
- **Small Wind Energy Systems Ordinance (i.e., wind turbines) (RSA 674:4)**: Yes
- **Solar Energy Systems Ordinance (RSA 674:17)**: Yes
- **Ordinance Regulates Ground-Mounted Solar Arrays**: Yes

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Overview of 2019 – 2020 Municipal Land Use Regulation Survey Results
## Subject Specific Tables

### Municipal Planning Organizational Structure

- Planning Staff (Excel workbook)
  - Planning Staff (CSV File)
- RPC Contractual Circuit Rider Planning Assistance (Excel workbook)
  - RPC Contractual Circuit Rider Planning Assistance (CSV File)
- Planning Board (Excel workbook)
  - Planning Board (CSV File)
- Zoning Board of Adjustment (Excel workbook)
  - Zoning Board of Adjustment (CSV File)
- Agriculture Commission (Excel workbook)
  - Agriculture Commission (CSV File)
- Conservation Commission (Excel workbook)
  - Conservation Commission (CSV File)
- Energy Committee/Commission (Excel workbook)
  - Energy Committee/Commission (CSV File)
- Heritage Commission (Excel workbook)
  - Heritage Commission (CSV File)
- Historic District Commission (Excel workbook)
  - Historic District Commission (CSV File)
- Housing Commission (Excel workbook)
  - Housing Commission (CSV File)
- Parks/Recreation Commission (Excel workbook)
  - Parks/Recreation Commission (CSV File)

### Land Use Regulations/Documents

- Land Use Regulation Status (Excel workbook)
  - Land Use Regulation Status (CSV File)
- Capital Improvement Plan (Excel workbook)
  - Capital Improvement Plan (CSV File)
- Driveway Regulations (Excel workbook)
  - Driveway Regulations (CSV File)
- Excavation Regulations (Excel workbook)
  - Excavation Regulations (CSV File)
- Historic District Ordinance (Excel workbook)
  - Historic District Ordinance (CSV File)
- Master Plan (Excel workbook)
  - Master Plan (CSV File)
- Site Plan Review Regulations (Excel workbook)
  - Site Plan Review Regulations (CSV File)
- Subdivision Regulations (Excel workbook)
  - Subdivision Regulations (CSV File)
- Wireless Telecommunications Ordinance (Excel workbook)

### Subject Specific Tables

<table>
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<tr>
<th>Municipality Name</th>
<th>County</th>
<th>RPC</th>
<th>Solar Energy Systems Ordinance</th>
<th>Rooftop Solar</th>
<th>Groundmounted Solar</th>
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Question/Problem Statement: My town’s planning board is working on a new solar ordinance and I am trying to find a map and/or list of communities with solar ordinances that I can review.

Solution: Use the Municipal Land Use Regulation Survey Interactive Map and Download Companion List of Communities with Solar Energy Systems Ordinances
Interactive Map:
https://nhosi.maps.arcgis.com/apps/Styler/index.html?appid=a1602aecc4b44df59cfb6842ceedb74

Subject Specific Tables:
https://www.nh.gov/osi/planning/services/mrpa/land-use-survey.htm#energyinfo
How to Print A Map

Solar Energy Systems Ordinance

11/28/2020
- Regional Planning Commission
- Ground-Mounted Arrays
- Both
- Rooftop Arrays
- Municipality
Contact Information

Noah D. Hodgetts, Assistant Planner

noah.hodgetts@osi.nh.gov

(603) 271-2157

https://www.nh.gov/osi/planning/index.htm