



CITY OF KEENE

In the Year of Our Lord Two Thousand and Twenty-Five

AN ORDINANCE Relating to Land Development Code Application Procedures

Be it ordained by the City Council of the City of Keene, as follows:

That Chapter 100 of the Code of Ordinances of the City of Keene, New Hampshire, as amended, is hereby further amended by deleting the stricken text and adding the bolded and underlined text, as follows.

1. Amend Table 26-1 to include additional application types; consolidate the list of Conditional Use Permit applications; and correct Article references.

Table 26-1: Development Applications Decision Authority

Application Type		Zoning Board of Adjustment	Planning Board	Minor Project Review Committee	City Council	Historic District Commission	Joint Committee	Conservation Commission	Zoning Administrator	Community Development Dir.	City Engineer	Floodplain Administrator
Amendments to the LDC	Articles 1- 19 8 & 22 -28 <u>(Zoning Regulations)</u>				D / PH		PW					
	Articles 19 & 20 , <u>21, 25, 26.10-26.14 & 26.19</u> <u>(Planning Board regulations)</u>		D / PH		D							
	Article 22 & <u>26.15</u> <u>(HDC regulations)</u>				D	D / PH						
	<u>Articles 23-29</u>				<u>D</u>							
Zoning	Amendments to Zoning Text /Zoning Map				D / PH		PW					
	Variance / <u>Floodplain Variance</u>	D / PH										
	Special Exception	D/ PH										
	Equitable Waiver	D/ PH										
	Expand or Enlarge Non-conforming Use	D/ PH										
	Zoning Administrator Decision <u>Written Interpretation</u>								D			

	<u>Appeal of Zoning Written Interpretation</u>	<u>D/PH</u>										
Subdivision Review	Subdivision		D/ PH	PS								
	Conservation Residential Development Subdivision		D/ PH	PS								
	Boundary Line Adjustment		D									
	Voluntary Merger							D				
Site Plan Review	Administrative Planning Review								D			
	Minor Project			D / PH								
	Major Project		D/ PH	PS								
Conditional Use Permit (CUP)	Hillside Protection		D/ PH	PS							R	
	Surface Water Protection		D/ PH	PS				R				
	Telecommunications		D / PH	PS								
	Congregate Living & Social Services		D / PH	PS								
	Solar Energy System		D / PH	PS								
	<u>All Other Conditional Use Permits</u>		<u>D / PH</u>	<u>PS</u>								
Historic District	Minor Project									D		
	Major Project			PS		D / PH						
<u>Earth Excavation</u>	<u>Permit Application / Major Amendment</u>		<u>D / PH</u>	<u>PS</u>				<u>R</u>				
	<u>Minor Amendment</u>									<u>D</u>		
	<u>Permit Renewal</u>		<u>D / PH</u>							<u>D</u>		
<u>Street Access</u>	<u>Street Access</u>		<u>D</u>								<u>D</u>	
	<u>Street Access Exception Request</u>		<u>D / PH</u>								<u>D</u>	
	<u>Appeal of Decisions on Street Access Permits</u>		<u>D / PH</u>									
Other Permits	Floodplain Development											D
	Sign								D			
	<u>Change of Governmental Land Use</u>		<u>R</u>									
	<u>Street Access</u>		<u>D</u>								<u>D</u>	
	<u>Earth Excavation</u>		<u>D / PH</u>					<u>R</u>				

"R" = Recommendation "D" = Final Decision "PW" = Public Workshop "PH" = Public Hearing "PS" = Pre-submission Meeting Required

- Amend Table 26-2 to include notice requirements for additional application types and consolidate the list of Conditional Use Permit applications.

Table 26-2: Public Notice Requirements

Application Type	Notice Type			# Days ¹
	Mailed	Published	On-Site	

Amendments to Articles 1-22, 25, 26.10-26.14, and 26.19 of this LDC		•	•		10
Zoning	Amendments to Zoning Text or Zoning Map	•	•		10
	Variance / <u>Floodplain Variance</u>	•	•		5
	Special Exception	•	•		5
	Equitable Waiver	•	•		5
	Expand or Enlarge Non-Conforming Use	•	•		5
	<u>Appeal of Zoning Written Interpretation</u>	•	•		<u>5</u>
Subdivision Review	Subdivision	•	•		10
	Conservation Residential Development	•	•		10
	Boundary Line Adjustment	•			10
Site Plan Review	Minor Project	•	•		10
	Major Project	•	•		10
Conditional Use Permits	Hillside Protection	•	•	•	10
	Surface Water Protection	•	•	•	10
	Telecommunications	•	•	•	10
	Congregate Living & Social Services	•	•	•	10
	Solar Energy System	•	•	•	10
	<u>All Other Conditional Use Permits</u>	•	•	•	<u>10</u>
Historic District	Major Project	•	•	◦	5
<u>Street Access</u>	<u>Street Access Exception Request*</u>	•	•		10
	<u>Appeal of Decisions on Street Access Permits</u>	•	•		10
Other	<u>Change of Governmental Land Use</u>	•	•		<u>10</u>
	Earth Excavation Permit	•	•		10
<u>Earth Excavation</u>	<u>Application / Major Amendment</u>	•	•		<u>10</u>
	<u>Permit Renewal*</u>	•	•		<u>10</u>

° = The requirements of on-site posting of notice for a public hearing for major project applications for a certificate of appropriateness shall be limited to proposals related to demolition of a structure in the Historic District.

* Published notice for this application type shall only be required when the Planning Board is the reviewing body.

¹The number of days before a public hearing or public body meeting that notice is to be issued, not including the day of posting/postmark or day of public hearing/meeting.

3. Amend Section 26.2.4.A.1 of Article 26 to change the certified mailing rate for noticing land use applications to a Certificate of Mailing rate, as follows:

When a mailed notice is required, the applicant shall submit 2 sets of mailing labels for each abutter or person entitled to such notice in accordance with state law or the City Code of Ordinances, and a mailing fee equal to the cost of the current United States Postal Service ~~Certified Mail~~ **Certificate of Mailing** rate, at the time of application submission, unless otherwise specified in this LDC.

4. Amend Section 26.4.3.B to include the Planning Board's Earth Excavation Regulations and application procedures outlined under Article 25 & Article 26.19 of the LDC.

Articles 20, 21, and **25** and Sections 26.10-25.14 and **26.19** of Article 26 – “Subdivision Regulations,” “Site Development Standards,” **and “Earth Excavation Regulations”** and Planning Board Application Procedures. For amendments proposed to Articles 20, 21, **25**, and Sections 26.10 through 26.14 **and 26.19** of Article 26 of this LDC, the following procedures shall apply.

5. Amend Sections 26.5.4.E, 26.6.4.E, 26.7.4.E, 26.8.5.E, 26.10.5.B.7, 26.12.5.I, and 26.15.5.K, and 26.16.9.A.c of Article 26 to remove the certified mailing requirement for development applications, as follows:

Application fee as set forth in the LDC Schedule of Fees in Appendix B of the City Code of Ordinances, including the costs for published and mailed notice, ~~which shall be Certified Mail.~~

6. Add a new section after Section 26.19.4.E of Article 26 to require the submittal of application and notice fees for Earth Excavation Permit applications, as follows:

F. Application fee as set forth in the LDC Schedule of Fees in Appendix B of the City Code of Ordinances, including the costs for published and mailed notice.

7. Add a new section after Section 26.20 of Article 26 titled “Change of Governmental Land Use,” as follows:

26.21 Change of Governmental Land Use

26.21.1 Description

In accordance with New Hampshire RSA 674:54, any substantial change in use or a substantial new use on land owned or occupied or proposed to be owned or occupied by the state, university system, the community college system of New Hampshire, or

by a county, town, city, school district, or village district, or any of their agents, for any public purpose which is statutorily or traditionally governmental in nature shall be considered a change of governmental land use.

26.21.2 Initiation

The applicant for a change of governmental land use shall either own the fee simple interest in the property(s) that is the subject of the review or have written permission of the fee simple owner.

26.21.3 Authority

The Planning Board shall have the authority to provide nonbinding recommendations relative to the conformity or nonconformity of the proposal with normally applicable land use regulations.

26.21.4 Submittal Requirements

An applicant shall submit written notification and supporting materials to the Community Development Department, which shall include the following.

- A. A written notification providing an explanation of proposed changes.
- B. Plans and specifications showing the proposed changes.
- C. A statement of the governmental nature of the use as set forth in NH RSA 674:54.
- D. A proposed construction schedule.
- E. A list of abutters and others requiring notification. This list shall include the name, mailing address, street address, and tax map parcel number for all owners of property that directly abuts and/or is directly across the street or stream from the subject parcel. This list shall also include the name and mailing address of the property owner and applicant.
- F. Two (2) sets of mailing labels for each abutter and others requiring notice, including the owner of the subject property and the applicant.
- G. Application fee as set forth in the LDC Schedule of Fees in Appendix B of the City Code of Ordinances, including the costs for published and mailed notice.

26.21.5 Procedure

The following procedures shall apply to all notifications for a change of governmental land use.

- A. Determination of Public Hearing. Upon receipt of a notification of a change in governmental land use, the Planning Board Chair shall determine whether the proposed change in use or new use warrants a public hearing. This notification must be provided at least 60 days prior to the start of construction and 10 business days prior to the Planning Board meeting at which the public hearing will be held.
- B. Notice of Public Hearing. If the Chair determines a public hearing is warranted, the Community Development Director, or their designee, shall forward the notification for a change of governmental land use to the Planning Board for a public hearing and shall provide published and mailed notice of this public hearing pursuant to NH RSA 676:4(I)(d).
- C. Public Hearing. A public hearing shall be held within 30 days after the receipt of the notice of governmental land use. A representative of the governmental entity which provided notice shall be available to present the materials and provide explanations to the Board.

D. Recommendations. The Planning Board may issue nonbinding written comments relative to the conformity or nonconformity of the proposal with the normally applicable land use regulations to the applicant within 30 days after the hearing.



Jay V. Kahn, Mayor

A true copy:

Attest: 
City Clerk

PASSED: September 18, 2025