



# Upper Valley Lake Sunapee Regional Planning Commission

## Innovative Land Use Planning Techniques 2008

This flip book is intended to serve as an introduction to the Innovation Land Use Guidebook, which was created in collaboration with NH Department of Environmental Services and nine other Regional Planning Commissions in New Hampshire.

The tools outlined in this overview provide innovative concepts that are designed to assist municipalities with developing regulations that implement the vision of their communities such as:

Affordability

Flexibility

Practicality

Quality

Diversity

Authenticity

Balance

Efficiency

Sustainability

**Inclusionary housing ordinances** are one mechanism, among many, intended to spur affordable housing development within the private market by providing incentives to developers to include some % of affordable housing units within a development. The greatest key to the success of inclusionary housing ordinances are the incentives provided. The New Hampshire statute defines inclusionary zoning in RSA 647:21 IV (a) as "...land use control regulations which provide a **voluntary** incentive or benefit to a property owner in order to induce the property owner to produce housing units which are affordable to persons or families of low and moderate income.

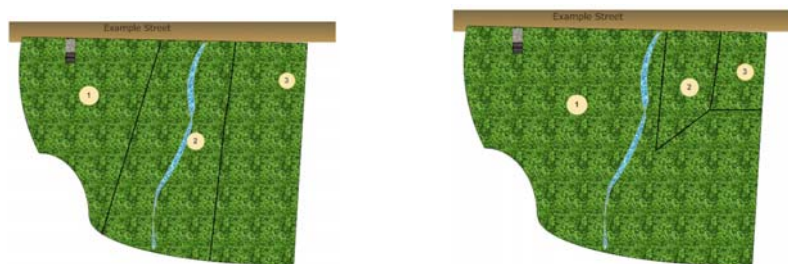
**Flood Hazard Area Zoning** can help protect residents and their property from floods through the prevention of adverse impacts caused by development in the floodplain. A model ordinance is provided that can be adopted by communities or used to amend existing floodplain ordinances. A Flood Hazard Overlay District provided in the guide is appropriate for any community in New Hampshire with National Flood Insurance Program (NFIP) mapped flood hazard areas. The model ordinance is set up as an overlay district, but can be modified for communities that are interested in creating a flood hazard zone. This ordinance can also be written to incorporate the NFIP to satisfy the minimum requirements for that Federal program.



For more information on these resources, please consult the Innovative Land Use Guidebook online at: <http://www.des.state.nh.us/REPP/>



**Lot-Size Averaging:** This technique allows for a variety of tract sizes and allows the landowner great flexibility in determining how to subdivide his/her property while achieving local master plan goals of open space and increased density. In some situations the overall planning for a tract may better respond to the intent and purpose of this ordinance if flexibility in the design of a subdivision is permitted.



**Transfer of Development Rights:** The approach used as a model in the Guidebook is a novel approach pioneered by the Town of Berthoud, Colorado, and provides a mechanism for a community to accept a *density transfer fee* in place of the actual conservation easements. The fee is used to purchase an easements, either at that point or at a later time. By “monetizing” the transfer mechanism, ease and speed in the transaction is provided to the developer and flexibility is provided to the community. For the developer, the fee approach removes the uncertainty and delay involved with finding willing landowners in the sending area with whom to negotiate conservation easements. For the community, it provides more opportunity for choice in selecting which conservation lands to acquire, and when.

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**Infill Development**: in its simplest form is the development or redevelopment of land that has been bypassed, remained vacant, and/or is underutilized as a result of the continuing development process. There are however, two common approaches that are often used to promote infill development. The first involves the development of a special district within a particular zone. This approach identifies the specific areas within a municipality that are subject to the infill development ordinance.



Price, S. 2003. Personal communication. *Urban Advantage* March 24, 2003. [www.urban-advantage.com](http://www.urban-advantage.com)

The second method involves identifying areas of infill development by definition. In this instance, the zoning ordinance applies to those areas of a community that meet a set of defined criteria for an infill development project.

**Stormwater Management** is necessary during all stages of site development including site planning and design, design review, construction, and post-construction permanent controls. The Guidebook is focused on post-construction stormwater management and assumes communities have adopted and will institute construction-phase stormwater management and sedimentation and erosion control requirements. Stormwater management requirements are addressed through a performance-based zoning ordinance. A performance-based approach allows the community to specify the desired outcome or performance required by any development activity without being overly prescriptive regarding the specific techniques or approaches used.

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**Drinking Water:** for public and private wells and municipal drinking water systems are derived from both groundwater resources and surface water resources. This chapter addresses groundwater resources and surface water resources separately by providing model ordinances for each resource. Both ordinances focus on the regulation of land use and the implementation of performance standards as the primary mechanisms to protect the quality of these resources. These model ordinances apply to designated geographic areas that comprise overlay districts superimposed over existing zoning districts. The purpose of these model ordinances is to preserve, maintain, and protect from contamination existing and potential groundwater and surface water drinking water supplies used by public water suppliers.

**Erosion and Sediment Control:** The Guidebook provides guidance on construction site plan review processes to aid with long-term erosion and sediment control. The development process typically involves the removal of vegetation, the alteration of topography, and the covering of previously vegetated surfaces with impervious cover such as roads, driveways, and buildings. These changes to the landscape may result in the erosion of soil and the sedimentation of water bodies as soil travels to streams, rivers, and lakes in water runoff during storms at an increased velocity due to the lack of vegetative cover. The removal of vegetative cover and its roots system compromise the ability of vegetation to stabilize soil, reduce the velocity of runoff, shield the soil surface from rain, and maintain the soil's ability to absorb water.

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**Wildlife Habitat Management:** provide many public benefits and serve important ecological functions. Protecting wildlife and their habitat also contributes to the rural character of New Hampshire, as hunting, fishing, and wildlife watching are long-standing features of the culture and attract tourism to a rural area. The tool presented within the Guidebook can be used in three ways: as voluntary guidelines for developers, as a set of design principles adopted by a town or board, and finally, as a set of standards that could be incorporated into site plan and subdivision ordinances as performance standards.



**Wetlands Protection:** Wetlands protect water quality in our lakes and streams. They remove excess nitrogen and trap sediment and associated contaminants, such as metals and phosphorus and are essential habitat for wildlife. The Guidebook provides municipalities with a model ordinance designed to protect wetlands and adjacent upland habitat and the functions and values they provide. Protection of wetlands and adjacent uplands is best achieved with an overlay district so that the underlying zoning is still in effect and these resources have an additional layer of protection. The Guidebook provides guidance on how to set up an overlay district as well as understanding the importance of buffers and other measures for communities interested in more protection for wetlands than is provided through state and federal regulations.

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**Landscaping:** If a municipal master plan includes goals such as promoting water use efficiency, maintaining community character through landscape standards, or creating and preserving wildlife habitat through site design, zoning and regulations can be adopted to support those goals. This model has three components, a Site Plan Review, and Ordinance for Subdivisions and an Ordinance for Zoning .



Morgan Hill, CA, City Hall waterwise landscaping to reduce irrigation and urban runoff.

**Agricultural Incentive Zoning:** According to state law, agriculture includes



all aspects of breeding, raising, and selling livestock; silviculture (timber and logging), honey and maple syrup production, and crops ranging from vegetables and fruit to hay and seeds along with the processing, storage, and transportation of the agricultural products. The Guidebook provides a model ordinance that aims at preserving the diverse agricultural lands and uses in New Hampshire through an Agriculture Conservation District that requires a conditional use permit based upon procedures, factors and conditions set forth in other regulations the community. A successful agricultural incentive zoning ordinance will grant

the maximum possible flexibility to agricultural practices.

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**Village Plan Alternative:** is a planning tool that promotes compact development with a mix of land uses, including residential, small-scale commercial, recreation and conservation in close proximity to one another within a neighborhood. It is designed to allow for the creation of new villages with mixed-used development that is scaled to less populations and lower density of New Hampshire towns. This tool can be very complex and a sophisticated Planning Board will still need to enlist professional advise.

**Conservation Subdivision:** The goal of this ordinance is to retain a substantial amount of land when sub-dividing a large lot that will be permanently protected. The ordinance places housing units in a more compact setting while permanently protecting shared open space. This ordinance is generally best used when creating or using a housing development plan.

**Urban Growth Boundary:** Urban growth boundaries and urban service districts are planning tools that promote more efficient, orderly, and compact development. An urban growth boundary is the line on a map showing the demarcation between land that has or may receive concentrated development (urban, suburban) and land that has or may receive less development (rural, scattered).



Photo: Urban Growth Boundary in Washington State illustrates land uses and densities (from University of Washington's Evans School of Public Affairs at <http://depts.washington.edu/visions>).

On one side of the boundary line are predominantly low-density land uses, such as farms, timberland, large residential lots, and natural or protected lands. On the other side are more intensive land uses and densely developed lands, such as commercial and industrial uses, multi family and small lot residential, schools, government facilities, and transit services.

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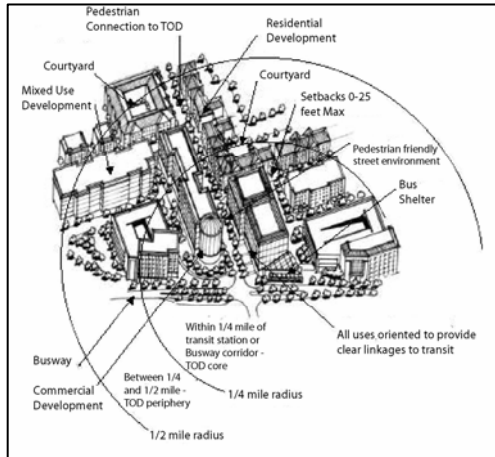
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**Transit Oriented Development:**

(TOD) refers to a method of regulating land use that concentrates commercial and residential growth around transit centers in order to maximize access to [transit](#) and encourage the use of [non-motorized](#) transportation. TOD can be described as development, generally within half a mile of a transit station that provides sufficient densities, mixes of activities and convenient pedestrian linkages to support significant transit ridership.



Sample TOD District: Source, Nashua Land Use Code, January 2006

**Energy Efficient Development:**

There are several ways communities can incorporate energy efficiency into their municipal ordinances. If a community has adopted zoning and declared energy efficiency a priority in its master plan, then simple provisions related to the construction orientation and building siting can be incorporated into site plan and subdivision regulations as part of the design standards. If the municipality has a building inspector, additional building codes may be adopted that are more stringent than state codes and will produce greater energy savings. Lastly, if the community has a building inspector and feels confident they have ample code enforcement support staff, a comprehensive zoning ordinance may be adopted.

**Access Management:** Access management involves the planning and coordination of the location, number, spacing and design of access points from a roadway to adjacent land. Site Plan Review, regulations and ordinances with suggested language that can be incorporated into existing subdivision or site plan review regulations as the Guidebook demonstrates.

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**Feature-based Density:** The ordinance proposed in the Guidebook bases the subdivision of property on the natural features found on the land. The provides the community with the ability to fulfill its master plan goals of preserving its important natural constrains as opposed to imposing a standard set of guidelines that don't always fit the land they are regulating.

**Shoreland and Riparian Areas:** The municipality may adopt more stringent regulations than the minimum standards of the CSPA as provided for under RSA 483-B:8. The model ordinance provided in the Guidebook is designed to implement Option 3 above. It includes a provision to protect lower order streams and expands upon the buffers established by the CSPA. The ordinance contains three basic components: (1) a shoreland protection overlay district and zoning map; (2) shoreland protection district standards; and (3) riparian buffer standards. It is drafted as a complete zoning ordinance amendment.

**Steep Slopes and Ridgeline Protection:** Although steep slopes and ridgelines are not specifically named in the RSA, they are generally considered to be environmental characteristics and are frequently found as overlay districts similar to wetland protection. The model ordinance contains two sections: Steep Slopes Protection and a Visual Resource Protection District. Steep Slopes Conservation should be adopted as a component of the zoning ordinance that applies in all districts. The Visual Resource Protection District is an overlay district where the boundaries are determined through a visual resource inventory process. The purpose of this ordinance is to reduce damage to streams and lakes from the consequences of excessive and improper construction, erosion, stormwater runoff, or effluent from improperly sited sewage disposal systems, and to preserve the natural topography, drainage patterns, vegetative cover, scenic views, wildlife habitats, and to protect unique natural areas.



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The State of New Hampshire's nine Regional Planning Commissions in conjunction with the NH Department of Environmental Services and experts and stakeholders together have development of an Innovative Land Use Guide that will serve as a toolkit for municipal officials concerned with managing sustainable growth in their communities. Any ordinances that are imposed by a community need to have their base in a community's Master Plan. This work is based on state enabling legislation found in RSA 674:21. This flip book serves only as an introduction to the full guidebook, located online at <http://www.des.state.nh.us/REPP/>

For these and other planning needs please consult your Regional Planning Commission

(photo credit: Town of Lyme, NH)