



Helping Communities face the challenges and impacts of growth while maintaining their character and sense of place.

PERFORMANCE ZONING

What Is Performance Zoning?

Performance Zoning is an approach to land use planning that is based on quantifiable performance standards that regulate the intensity of land use to prevent adverse impact on abutting and nearby properties. Traditional zoning regulates general classes of land use. This site specific method of zoning provides significantly more flexibility than traditional use based zoning. With its roots in building codes, performance standards were established (E.g. walls must be constructed to contain a fire for 1 hour) instead of specification standards (E.g. walls must be constructed of 4 inch thick masonry or stone).

Performance Zoning was first successfully used in industrial zoning. Traditional light, medium, and heavy industrial zones could be replaced with well-defined standards that focus on the environmental effects of industries. These nuisance standards regulated noise, glare, heat, smoke, odor, vibration, hazardous materials, radiation, electrical interference, etc.

Performance standards are typically broken down into two categories; regulating the site and regulating the activity. Site standards regulate the appearance in terms of maintaining community character. Site standards may include lot size, setbacks, height, floor area, building coverage, impervious surface ratios, stormwater management, parking, loading area, landscaping, etc. Activity standards regulate the intensity or outputs of a use. Activity standards may include, nuisance standards (described above), internal traffic patterns, daily vehicle trips, traffic congestion, water use, waste generated, etc. Standards should be objective and quantifiable, using instruments, measurements or methods that assure conformance with acceptable limits (E.g. government agency or department standards).

Performance Zoning for residential development has the primary objective of protecting natural resources (e.g. wildlife habitat, ground/surface waters, forest blocks, etc.), followed by providing flexibility in design. Three primary performance criteria are minimum open space, maximum density, and maximum impervious surface. Development intensity and design is based on characteristics of each site.

Sources: [Application of Performance Zoning for Industrial Uses in Hanover County](#); 2001; Richmond Regional Planning District Commission

NEW HAMPSHIRE ENABLING STATUTES

674:21 Innovative Land Use Controls.

I. Innovative land use controls may include, but are not limited to:

- (a) Timing incentives.
- (b) Phased development.
- (c) Intensity and use incentive.
- (d) Transfer of density and development rights.
- (e) Planned unit development.
- (f) Cluster development.
- (g) Impact zoning.
- (h) Performance standards.
- (i) Flexible and discretionary zoning.
- (j) Environmental characteristics zoning.
- (k) Inclusionary zoning.
- (l) Accessory dwelling unit standards.
- (m) Impact fees.
- (n) Village plan alternative subdivision.

II. An innovative land use control adopted under RSA 674:16 may be required when supported by the master plan and shall contain within it the standards which shall guide the person or board which administers the ordinance. An innovative land use control ordinance may provide for administration, including the granting of conditional or special use permits, by the planning board, board of selectmen, zoning board of adjustment, or such other person or board as the ordinance may designate. If the administration of the innovative provisions of the ordinance is not vested in the planning board, any proposal submitted under this section shall be reviewed by the planning board prior to final consideration by the administrator. In such a case, the planning board shall set forth its comments on the proposal in writing and the administrator shall, to the extent that the planning board's comments are not directly incorporated into its decision, set forth its findings and decisions on the planning board's comments.

Source: <http://www.gencourt.state.nh.us/rsa/html/nhtoc.htm>

iTRaC is the Nashua Regional Planning Commission's new approach to community planning that focuses on integrating transportation, land use and environmental planning. The program was developed to assist communities in dealing with the challenges of growth in a coordinated way that sustains community character and a sense of place.



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PERFORMANCE ZONING-continued

Advantages of Performance Zoning?

- Establishes quantifiable performance standards that a development must meet while protecting property rights.
- The municipality, developers, and the community benefit from performance standards that regulate both the site and the activity because they are not subjective, but still offer flexibility.
- Quantifiable performance standards require less interpretation and make clear what the expectations are of the developer and what site development intensity is permissible.
- The flexible nature of performance standards can increase a community's competitiveness in attracting development and investors.
- In land use, performance standards are effective in preserving environmentally important features through better site design.
- In industry, a mix of light, medium, and heavy commercial and industrial activities do not have to be restricted to a specific use area because the intensity and impacts can be managed to prevent any adverse impact to adjacent uses.
- The approval process will be faster and waivers and variances reduced when a development application is submitted with the proposed uses within set limits (objective standards make this easier)

Disadvantages of Performance Zoning?

- Standards and calculations can be burdensome and confusing to volunteer boards without professional planning support.
- Performance standards taken from other communities can impact the effectiveness and acceptance of local standards because community visions often differ.
- The review process may be more lengthy due to the increased number and complexity of standards. Education is important. Initial submissions of an application that conforms to the site and activity standards should not require more time.
- Administration and inspections, both routine and for complaints will require time and the cost of instruments to ensure that standards are met.
- Site performance standards are often visual. The ability to visualize how a site will look upon approval, and 5-10 years later is important (Pictorial representations in standards help in the visualization process)

Example: Landscaping

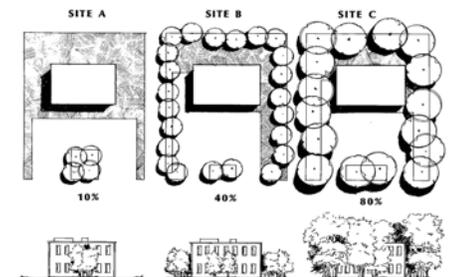


Figure 7: Landscape Coverage and Site Volume Ratio

Sources: [Application of Performance Zoning for Industrial Uses in Hanover County](#); 2001; Richmond Regional Planning District Commission

Purpose & Brief Overview of Bedford, NH - U.S. Route 3 Corridor Performance Zoning District:

The purpose is to attract environmentally acceptable and appropriate land uses to the District in order to provide appropriate flexibility in land uses to diversify the community tax base; maximize the financial return on infrastructure investments; minimize adverse traffic impacts on U.S. Route 3 and surrounding roadways; and preserve historic, cultural, and natural features, while minimizing adverse environmental impacts.

The District permits a wide range of uses. Performance standards are designed to improve aesthetics and appropriate intensity of development (E.g. minimum lot area and frontage, setbacks, maximum impervious coverage, etc.). Dimensional flexibility and incentives are provided to developments that incorporate shared access, interconnecting parking, and utilize water and sewer connections. Comprehensive landscaping with preservation of large healthy trees is required as well as environmental standards to protect wetlands, surface waters and slopes.

EXAMPLES: Complete Performance Zoning Ordinances:

Bedford, NH - U.S. Route 3 Corridor Performance Zoning District - <http://www.nh.gov/oep/resource/library/referencelibrary/p/performancezoning/index.htm>
 Performance Zoning Model Ordinance - Bucks County PA 1996 - <http://www.smartcommunities.ncat.org/codes/bucks.shtml>
 16-38 Flexible Use District, City of Nashua - <http://www.nh.gov/oep/resource/library/referencelibrary/p/performancezoning/index.htm>



For more details on this topic or an overview of the entire iTRaC program, visit www.nashuarpc.org/itrac or contact Camille Pattison, iTRaC Program Manager, at camillep@nashuarpc.org or 603-424-2240 x14.

