

Keene



Marlboro Street

ZONING AND LAND USE REGULATIONS PROJECT



APPENDIX A | **DRAFT ZONING**

Marlboro Street Zoning and Land Use Regulations Project

Draft Zoning

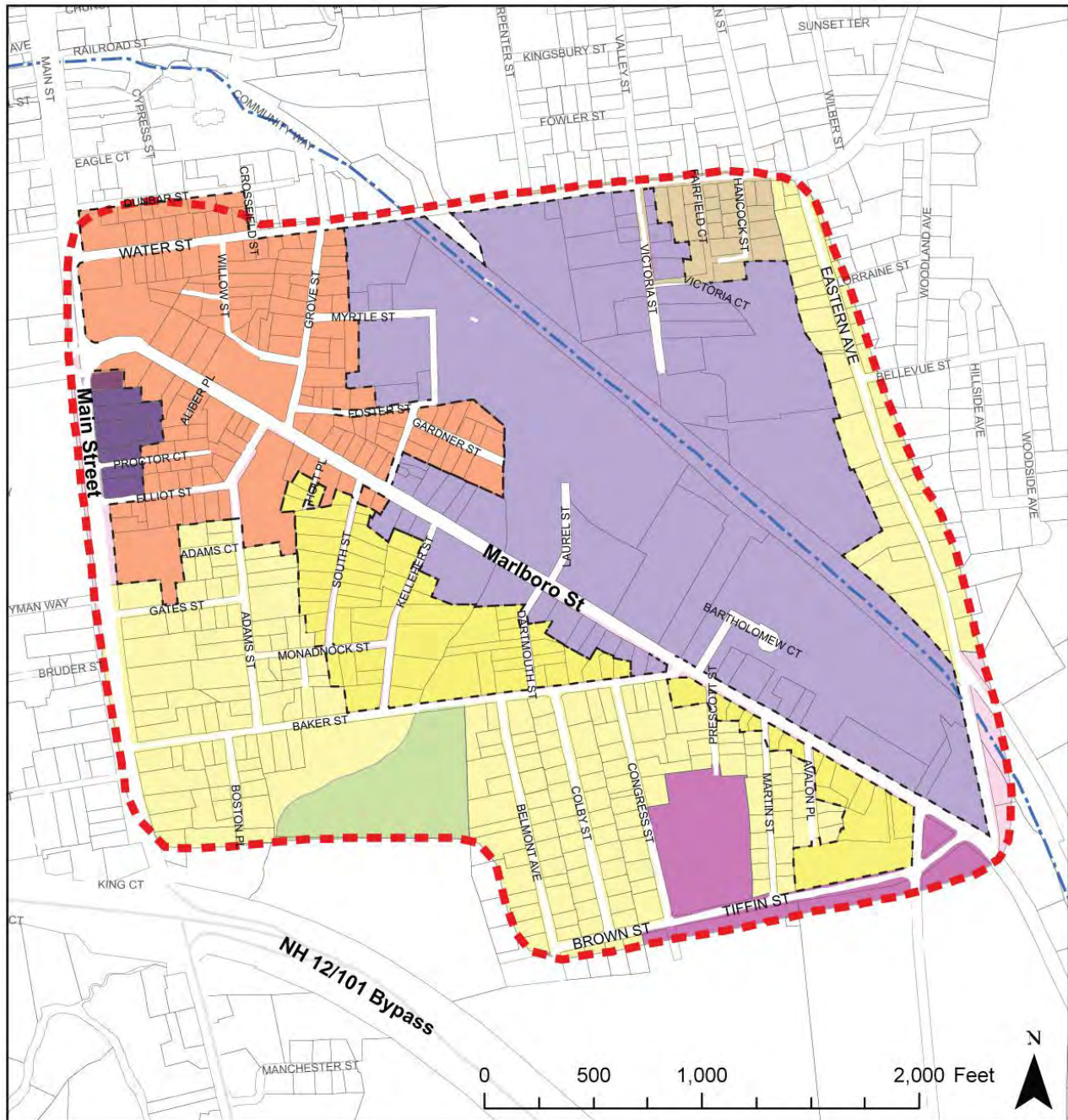
Official Zoning Map Boundary Changes

Two new zoning districts are proposed; Downtown Edge (DE) and Innovative Development (ID). These districts require new sections within the City Zoning Regulations, as well as the amendment of district boundaries to replace previous district designations with the new districts.

The Downtown Edge (DE) district replaces a mix of Commerce (C) and High Density (HD) Residential district designations as shown in the figures. This district covers the upper section of Marlboro Street and is designated by the study area boundary and the existing boundaries between the Low Density (LD) Residential, Office (O) and Industrial (I) districts. In accordance with the New Hampshire Building Code, a Minimum Living Area Per Unit standard is recommended to be added in the Basic Zone Dimensional Requirements for application in the Downtown Edge zone.

The Innovative Development (ID) district replaces the Industrial (I) districts and expands the previous district to border both sides of Victoria Street, thereby replacing a small area of the Medium Density (MD) Residential district fronting Victoria Street. The ID district is also proposed to replace the HD and Commerce districts adjacent to the current (I) fronting Marlboro Street.

In addition, a Zoning Map amendment is recommended for rezoning selected parcels from the current zoning designation as High Density (HD) Residential to Low Density (LD) Residential. All of the HD districts are proposed to be replaced with ID, DE or LD districts within the Study Area.



Proposed Zoning

New Zones

- Downtown Edge
- Innovative Development

Existing Zoning and Re-Zoning

- Low Density
- Low Density (Re-Zoned)
- Medium Density
- Industrial Park
- Office
- Conservation

Draft Zoning Language

The following sections are additions and amendments proposed to be incorporated within Chapter 102 Zoning of the City’s Code of Ordinances. The draft annotated language below was developed to implement the land use and development recommendations for the proposed zones.

Keene, New Hampshire, Code of Ordinances >> PART II - CODE OF ORDINANCES >> Chapter 102 - ZONING >> ARTICLE IV. - DISTRICTS>> DOWNTOWN EDGE (DE) >>



DIVISION 21. DOWNTOWN EDGE (DE)



Purpose.



The intent of the Downtown Edge (DE) district is to add commercial uses to the high-density residential uses permitted in the district. This district is to act as a transition between downtown Keene, the commercial and the residential areas, as well as between downtown Keene and the Innovative Development (ID) districts. The DE is intended to create a mixed use neighborhood that provides for a harmonious mix of residential, commercial, civic and recreational uses, which are linked to the adjacent districts. This district recognizes the need for, and allows for, uses and site redevelopment which



- 1) Extend the socio-economic assets of the downtown into adjacent, compatible areas;
- 2) Create a sense of place different from the downtown;
- 3) Create an environment where buildings are arranged, sized, and scaled according to the needs and comfort of pedestrians;
- 4) Preserve public access and provide landscaping amenities with proper lighting, and thereby provides an aesthetically-pleasing streetscape;
- 5) Provide walk-friendly and bicycle-friendly environments along and into the connecting streets and district;
- 6) Provide location-sensitive transitions between adjacent neighborhoods and mixed uses in the district; and,
- 7) Reduce the visual impacts of parking by avoiding large expanses of parking lots facing the streets.

Authority.

This ordinance is enacted by the City of Keene pursuant to NH RSA 674:21, I (h) and (i), Innovative Land Use Controls. This land use control ordinance provides all approvals, including the granting of conditional or special use permits, will be by the Planning Board. Any decision made by the Planning Board under this land use control ordinance may be appealed directly to Superior Court in the same manner provided by statute for appeals from the Planning Board, as set forth in RSA 676:5, III and RSA 677:15. A waiver from particular requirements set forth in

Section 212 may be employed by the Planning Board where the applicant demonstrates substantial compliance with the standards set forth in this ordinance.


Design Criteria and Guidelines.

- 1) All projects will be reviewed according to the Design Criteria and Guidelines found at _____. (*Note: the Design Guidelines may be adopted as zoning regulations or administrative regulations.*)

Dimensional standards.

- 1) All dimensional standards shall be in accordance with the Basic Zone Dimensional Requirements of these regulations.

Building regulations.

- 1) All new buildings shall be flood-proofed according to the regulations found at Sec. 54-100. (*Note: These regulations are recommended for certain amendments as discussed elsewhere.*) 
- 2) Buildings must be oriented with the primary building façade facing the primary street frontage of the site. Building entrances, storefronts, and windows shall reinforce this orientation. Active uses must face the primary street on the ground floor with the primary entry accessible at this location to reinforce a relationship to the street.
- 3) Principal and secondary street-frontage façades shall not be permitted to be greater than 40 feet in length unless there is articulation in the form of windows, doors, fully functioning pedestrian entrances, recesses, niches, ornamental projections and/or other articulations of the façade.
- 4) Façades visible from the public right-of-way or abutting neighborhoods shall not be used for service functions (i.e. delivery, loading docks, maintenance areas, utility equipment, storage, etc.) unless fully screened with any combination of vegetation and fencing, or the building.
- 5) Ground-level mechanical ventilation units are not permitted unless completely screened from view from public right-of-way. Air intakes must be located and screened on roofs or more than 30 feet above grade.

Site regulations.

- 1) Pedestrian and bicycle facilities as well as accommodations shall be included for all new site alterations requiring a permit under Building Regulations Section 18-27 Permits.
- 2) Pedestrian and bicycle access rights-of-way of not less than 8 feet in width are required to provide linkages to existing development and/or access to primary

building entrances. Where such pedestrian and bicycle access routes are included, the developer and/or owner shall:

- a. Clear the right-of-way area of obstructing rocks, trees, branches and undergrowth;
 - b. Bring the right-of-way to a suitable grade of less than 5 percent; and
 - c. Construct a path for pedestrians and bicycles of at least 5 feet in width within the right-of-way, in accordance with the sidewalk design guidelines.
- 3) Service alleys shall be no more than 15 feet wide, except for turning areas.
 - 4) Parking lots for more than 5 vehicles shall not be permitted at points visible from the public rights-of-way unless screened with any combination of the following: landscaping, earthworks, fencing, existing buildings or new buildings.
 - 5) All properties for uses other than a single family home shall be landscaped within the buffer areas. Invasive species listed by the federal and state environmental agencies shall not be used in the landscaping.

Parking regulations.

- 1) Shared parking to reduce the total number of parking spaces required for properties within this zone will be allowed as permitted under *Chapter 102 Zoning: Article XIV. Shared Parking within the Sustainable Energy Efficient Development Overlay*. Parking shall otherwise be in conformance with Section 102-793 of these regulations, and the Design Guidelines.

Permitted uses.

This district allows multiple uses, by special exception or by right, on a single lot according to the permitted use table. This district permits non-residential uses and multifamily dwelling units to co-exist on a single lot.

Principal uses Permitted (P) or permitted by Special Exception (SE) in the Downtown Edge (DE) district are as follows:

Uses	Downtown Edge (DE)
Bed and breakfast with meeting/dining facilities	SE
Bed and breakfast inn/tourist home	SE
Boardinghouse/lodging house	SE
Dwelling, single-family	P
Dwelling, duplex	P
Dwelling, multifamily	P
Group Home	P
Historic site open to the public	P
Home occupation	P
Institutional use	SE
Neighborhood grocery store	P
Nursery or child care facility	SE
Office	P
Publishing/printing	P
Research and development	P
Restaurants	SE
Retail sales/services	P
Senior Center	P
Live/work unit	P

Keene, New Hampshire, Code of Ordinances >> PART II - CODE OF ORDINANCES >> Chapter 102 - ZONING >> ARTICLE IV. - DISTRICTS>> INNOVATIVE DEVELOPMENT (ID) >>

DIVISION 21. INNOVATIVE DEVELOPMENT

Purpose.

The intent of the Innovative Development (ID) district is to provide for a mix of business, research, retail, residences, and live/work units within buildings providing attractive amenities, while reducing the losses associated with flooding. This district recognizes the need for, and allows for, uses which:



- 1) Create conditions suitable for businesses and small-scale industries to co-exist with residential units;
- 2) Create a sense of place through preserving public access, providing landscaping amenities, ensuring proper lighting, and promoting an aesthetically pleasing streetscape;
- 3) Create a pedestrian-scale environment within the built environment with buildings that are arranged, sized, and scaled according to the needs of a pedestrian;
- 4) Provide for pedestrians and bicyclists to ensure that Keene's walkable and bicycle-friendly environment is extended along Marlboro Street and into the connecting streets and neighborhoods;
- 5) Connect uses and buildings while prioritizing pedestrian and bicycle access above vehicular access;
- 6) Provide location-sensitive transitions between neighborhoods and uses along Marlboro Street;
- 7) Reduce the impacts of parking through avoidance of large parking lots along the streets; and,
- 8) Providing open space and landscaping to provide shade and public spaces for social interaction as well as to enhance the visual appearance of the individual properties, Marlboro Street, and connecting streets.

Dimensional standards.

- 1) All dimensional standards shall be in accordance with the Basic Zone Dimensional Requirements of these regulations.

Building regulations.

- 1) All new buildings shall be flood-proofed according to these regulations.

- 2) Buildings within 150 feet of Marlboro Street must be oriented with the primary building façade facing the street frontage of the site. Building entrances, storefronts, and windows shall reinforce this orientation.
- 3) Ground-level mechanical ventilation units are not permitted, unless completely screened from view from the public rights-of-way. Air intakes must be located on roofs or more than 30 feet above grade.

Site regulations.

- 1) Pedestrian and bicycle facilities and accommodations shall be included for all new site alterations requiring a permit under Building Regulations Section 18-27 Permits.
- 2) Pedestrian and bicycle access rights-of-way of not less than 8 feet in width may be required to provide linkages to existing development and/or access to primary building entrances. Where such pedestrian and bicycle access routes are required, the developer and/or owner shall
 - a. Clear the right-of-way area of obstructing rocks, trees, branches and undergrowth;
 - b. Bring the right-of-way to a suitable grade of less than 5 percent or otherwise suitable for ADA accessibility; and
 - c. Construct a sidewalk for pedestrians and bicycles of at least 5 feet in width within the right-of-way, in accordance with the sidewalk design specifications in this section.
- 3) Service alleys shall be no more than 15 feet wide.
- 4) Parking lots shall be located at the rear of building(s) where possible, and shall not be permitted at points visible from the public rights-of-way unless screened with any combination of the following: landscaping, earthworks, fencing, existing buildings, or new buildings.
- 5) All properties for uses other than a single family home shall be landscaped within the buffer areas. Invasive species listed by the federal and state environmental agencies shall not be used in the landscaping.

Open space regulations.

- 1) Side and rear yard setbacks shall be landscaped under the following criteria:
 - a. Design, dimensions and materials shall be spaced to permit a walking path linking the frontage street with the interior of the lot, whether such path is constructed or not.
 - b. When wooded areas, wetlands and waterways exist within the property the landscaped way shall be located at the edge of those areas or setback as required by applicable regulations.
- 2) The required minimum open space for the lot shall be provided in one or more open space areas with minimum dimensions of no less than 15 feet in the

smallest measurement from edge to edge and shall be contiguous to and linked to the other landscaped areas of the lot.

Parking regulations.

- 1) Shared parking to reduce the total number of parking spaces required for properties within this zone will be allowed as permitted under *Chapter 102 Zoning: Article XIV. Shared Parking within the Sustainable Energy Efficient Development Overlay*. Parking shall otherwise be in conformance with Section 102-793 of these regulations.

Permitted uses.

This district allows multiple principal uses on a single lot, by special exception or as by right, according to the permitted use table. This provision permits non-residential uses and multifamily dwelling units to co-exist on a single lot.

Principal uses Permitted (P), permitted by Special Exception (SE) in the Innovative Development (ID) district are as follows:

Uses	Innovative Development (ID)
Assembly	P
Bed and breakfast with meeting/dining facilities	SE
Bed and breakfast inn/tourist home	SE
Boardinghouse/lodging house	SE
Bulk storage and distribution, including flammable materials	SE
Bulk storage and distribution, including flammable materials, accessory to main manufacturing use	P
Child care facilities for employees only	P
Clinic	P
College: undergraduate, graduate and industrial training programs	P
Dwelling, single-family	P
Dwelling, duplex	P

Uses	Innovative Development (ID)
Dwelling, multifamily	P
Garage, business	P
Greenhouse, nursery	SE
Group Home	P
Health and fitness center	P
Historic site open to the public	P
Home occupation	P
Home offices of insurance companies, publishing companies, manufacturing firms	P
Hotel	P
Institutional use	SE
Manufacturing	P (a)
Motel, apartment	P
Neighborhood grocery store	SE
Noncommercial outdoor recreational activity	P
Nursery or child care facility	SE
Office	P
Offices for corporate	SE
Offices for corporate, business or professional purposes (single office min. 10,000 sf)	SE
Offices, including warehousing, wholesaling or retailing	P
Processing	P
Publishing/printing	P
Recreational activity as a business	P
Recycling	P
Research and development	P

Uses	Innovative Development (ID)
Restaurants	P
Retail sales/services	P
Senior Center	P
Wholesaling	P
Live/work unit	P

Notes:

(a) Environmentally sound, without smoke or noise or other pollutants

(b) Warehousing is permitted as an accessory use to other permitted uses.

Basic Zone Dimensional Requirements.

The following table states the basic zone dimensional requirements

Dimensional Requirement	Proposed Zones	
	DE	ID
Maximum building height (in stories above grade not including habitable attics)	3 (a)	4
Maximum building height (in feet)	40	50 (b)
Maximum Floor Area Ratio (<i>OPTION</i>)	1.25	1.50
Minimum lot area	6,000 sf	8,000 sf
Minimum lot area per dwelling unit	2,000 sf (c) (d)	2,000 sf (c)
Minimum lot width at building line (in feet)	50 ft	50 ft
Minimum living area per unit (in net square feet)	600 net sf	N/A
Minimum front setback (in feet)	15 ft (e)	15 ft (e)
Minimum side setback (in feet)	15 ft	15 ft
Minimum rear setback (in feet)	15 ft	15 ft
Maximum percentage of lot occupied by structures	80%	75%
Maximum percentage of lot covered by impermeable material (includes structures)	85%	75%
Minimum percentage of green/open space	15%	25%
Required frontage (in feet)	50 ft	n/a

Notes:

(a) Can be increased to up to 4 stories or 50 feet by Special Exception.

(b) Unless within 150 feet of Marlboro Street, then, 35 foot maximum building height.

(c) Applies only to the second and succeeding dwelling units.

(d) A total dwelling unit density of 1,500 sf per unit is allowed when the lot area is greater than 20,000 SF and there is only one building on the lot.

(e) Except with fronting on Marlboro Street where the minimum setback is 0 ft

Summary of Allowable Uses

Summary of allowable uses for zones in the study area.

Uses	Commerce (COM)	Office (O)	Low Density (LD)	Medium Density (MD)	High Density (HD)	Industrial (I)	Industrial (IP)	Downtown Edge (DE)	Innovative Development (ID)
Accessory dwelling unit			CUP						
Asphalt plant, smelter, forge, tannery, brewery, rendering plant, explosives manufacturing						SE			
Assembly						P	P		P
Banking or lending institution	P								
Bed and breakfast with meeting/dining facilities					SE			SE	SE
Bed and breakfast inn/tourist home		P			SE			SE	SE
Boardinghouse/lodging house					SE			SE	SE
Bulk storage and distribution, including flammable materials						P			SE
Bulk storage and distribution, including flammable materials, accessory to main manufacturing use						P	P		P
Child care facilities for employees only							P		P
Clinic	P								P
College: undergraduate, graduate and industrial training programs						P			P
Drive-in use	P								
Dwelling, single-family		P	P	P	P			P	P
Dwelling, duplex		P		P	P			P	P
Dwelling, multifamily		P		P (3 max)	P			P	P
Fraternity/sorority					SE				
Funeral parlor	P	P							
Garage, business	P					P			P
Greenhouse, nursery	SE								SE
Group Home			SE	SE	P			P	P

Uses	Commerce (COM)	Office (O)	Low Density (LD)	Medium Density (MD)	High Density (HD)	Industrial (I)	Industrial (IP)	Downtown Edge (DE)	Innovative Development (ID)
Harvesting of forestry products			SE						
Health and fitness center	P (SE for outdoor activ.)					P (SE for outdoor activ.)			P
Historic site open to the public	P	P	P	P	P	P		P	P
Home occupation		P	P	P	P			P	P
Home offices of insurance companies, publishing companies, manufacturing firms						P	P		P
Hotel	P								P
Institutional use	P	SE	SE	SE	SE	SE	SE	SE	SE
Manufacturing						P	P		P ¹
Motel	P								
Motel, apartment	P								P
Motor vehicle dealership	P								
Motor vehicle repair garage, paint shop	P					P			
Motor vehicle service station/filling station	P								
Neighborhood grocery store					SE			P	SE
Noncommercial outdoor recreational activity						P			P
Noncommercial raising of farm animals			P	P					
Nursery or child care facility		SE				SE		SE	SE
Office		P						P	P
Offices for corporate							SE		SE
Offices for corporate, business or professional purposes (single office min. 10,000 sf)						SE			SE
Offices, including warehousing, wholesaling or retailing	P								P
Parking area (lot)	P	SE							
Private club, lodge or fraternal activity	P	SE							

¹ Environmentally sound, without smoke or noise or other pollutants

