

## **Supplemental Staff Report – Ordinance O-2016-01-A & O-2016-02-A**

*for the Joint Committee Workshop, March 13, 2017*

*Water Street Parcels, Institutional Uses & Reviewing the Proposed Ordinance Changes*

The Joint Committee, Planning, Licenses and Development (PLD) Committee and Planning Board (PB) began its review of the proposed zoning changes recommended by the 2013 Marlboro Street Re-Zoning Project at their April 11, 2016 workshop. This staff report reviews salient discussion points on two remaining issues and summarizes the suggested changes to both O-2016-01 (zoning districts and definitions) & O-2016-02 (map) at the subsequent ten, Joint meetings May through December of 2016. The goal of tonight's meeting is to decide the two remaining issues and confirm changes to the amended versions of both ordinances. If there is consensus a vote could take place. If there are still issues to resolve, the schedule below will proceed.

### **Potential Ordinance Adoption Schedule**

1. May 8, 2017: PLD members vote on O-2016-01-A & O-2016-02-A referring the petition to City Council for a Public Hearing. Planning Board members vote on the ordinances' consistency with the City's 2010 Comprehensive Master Plan.
2. June 1, 2017: City Council sets a public hearing date for discussion and public comments on Version A of the ordinances.
3. July 20, 2017: City Council holds a public hearing for discussion and public comments on Version A of the ordinances. City Council then refers the ordinances to Planning, Licenses and Development committee for discussion.
4. July 26, 2017: Planning, Licenses and Development (PLD) discusses the ordinances, with no public comment. PLD then makes a recommendation to City Council on whether or not to adopt Version A of the proposed ordinances.
5. August 3, 2017: City Council votes on the ordinance petitions

### **Introduction**

At the February 13, 2017 meeting the Joint Committee decided on zoning district changes for eight parcels leaving only two Water Street parcels still to be decided upon. A discussion on the relevant aspects follows. Additionally the issue of "Special Exceptions" for the range of Institutional Uses suggested in the proposed Business Growth and ReUse as well as the Neighborhood Business zoning districts is explored. Lastly a review will outline the changes to date for both O-2016-01 and O-2016-02 which will result in their amended versions: O-2016-01-A and O-2016-02-A.

### **122 & 124 Water Street – Proposed Zoning District**

At the February 13, 2017 meeting the Joint Committee mentioned that the current owner has previously expressed a strong concern regarding the possibility of a zoning district change rendering the property's current use, "Motor Vehicle Repair Garage" non-conforming. Mention was also made to a previous suggestion of therefore adding "Motor Vehicle Repair Garage" to the proposed Business Growth and ReUse (BGR) zoning district. Two definitions were confused during this discussion. Per Keene Code of Ordinances, Article I, Section 102-2, Definitions: "Garage, Business" means a building or structure, or part thereof, in which are kept one or more motor vehicles belonging to the owner or a tenant of the premises, which are kept for the use of such owner or tenant for the carrying of loads other than passengers for profit, for any work in connection with the business of the owner of such motor vehicles, kept for sale, exhibition or for demonstration purposes, but not for hire. A salesroom or showroom for

motor vehicles in which any vehicle is kept with gasoline in its tank shall be classed as a "business garage," and also any building in which motor vehicles are kept in dead storage for profit. Whereas "Repair Garage" means a building or structure or part thereof or any premises used for making major changes and adjustments to motor vehicles including structural changes or repairs, and including work involving the use of machinery.



**122 & 124 Water Street Parcels**

Further information for the committee’s discussion:

- “Garage, Business” is currently a permitted use in the *Central Business* zoning district. Whereas “Repair Garage” use is only permitted, with conditions, in the *Industrial* and *Commerce* zoning districts.
- The contiguous parcels, 122 and 124 Water Street are currently surrounded by the *Central Business* zoning district on three sides.
- As mentioned, in the event of a zoning district change, the current use, “Motor Vehicle, Repair Garage” at 122 Water St. would be allowed as “non-conforming” in any different zoning district where it is not allowed as a permitted use. This use has to be continuous.
- Adding “Repair Garage” as an allowed use or as a “Special Exception” by the Zoning Board of Adjustment to the proposed Business Growth and ReUse zoning district was not mentioned as part of the original “vision” by the community in 2012-2013 when discussing the Marlboro Street area’s future.
- Once again, both the “Comparison of Existing and Proposed Uses” as well as the “Comparison of Existing and Proposed Dimensional Requirements” are in this packet for the committee’s reference.

The committee may wish to discuss and recommend a future zoning district for neither, one or both of these Water Street parcels.

**Institutional Uses in the Proposed Business Growth & ReUse (BGR) & Neighborhood Business (NB) Zoning Districts**

<b>"Institutional Uses" per Chapter 102, Article 1, Sec. 102-2 Definitions:</b>	<b>Examples:</b>
Child Care Facility	Rise for Baby & Family
Clinic	Convenient MD
Convalescent Home	Genesis Health Care
Health Care Facility	Cheshire Medical Center
Hospital	Dartmouth-Hitchcock Keene
Museum	Horatio Colony Museum
Nursing Home	Westwood Center
Place of Worship	St. Bernard Church
Private School	Monadnock Waldorf
Sanitarium	
Senior Center	Keene Senior Center
Temp. Housing for Patient Families	Ronald McDonald House

The suggestion of adding “Institutional Uses” to both the BGR and NB zoning districts was proposed and received support from other committee members at the initial April, 2016 Joint meeting. Staff then added the uses to both districts, keeping in mind the provision which states a restriction of these uses to designated street locations for purposes of handling the resulting, increased traffic intensity. In this case the relevant street location is “Marlboro Street from Main Street to Eastern Avenue.” The current question is whether the Committee would like to change staff’s recommendation of requiring a “Special Exception” in each case.

Currently Sec. 102-1112 of the City of Keene’s Zoning Code states “A special exception is required to change to a different institutional use or to add another institutional use other than in the central business (CB), central business limited (CBL), and commerce (COM) zones.” The Joint Committee

Zoning District	Current	with an Institutional Use
High Density (Existing)	10' Side	20' Side
	15' Rear	30' Rear
Medium Density (Existing)	10' Side	20' Side
	15' Rear	30' Rear
Low Density (Existing)	10' Side	20' Side
	20' Rear	40' Rear
Residential Preservation (Proposed)	10' Side	20' Side
	20' Rear	40' Rear

**Zone Dimensional Table**

may wish to discuss adding the two new districts: Business Growth and ReUse (BGR) as well as Neighborhood Business (NB) to this clause. However, altering other parts of the current zoning code has not been discussed to date.

Another aspect of adding Institutional Uses to both the proposed BGR and the NB zoning districts is that of setbacks. Currently Sec. 102-1113b of the City of Keene’s Zoning Code states “In the low density (LD), medium density (MD), high density (HD), and office (O) zones, the side and rear building setbacks to directly abutting residential properties are double the figures in the zone dimensional table...”

Therefore the Joint Committee would need to recommend modifying this language to add the new Residential Preservation zoning district.

**O-2016-01 Committee and Staff Revisions to Date**

The following is a list of the changes to O-2016-01 organized by Division (zoning district) and Section. The attached copy of the original O-2016-01 also shows graphically the location of the same changes. Proposed changes are shown in red.

Division 21. - Residential Preservation (RP)

- o Sec. 102-770 Intent

“The intent of this Residential Preservation District (RP) is to provide and/or re-create a neighborhood of residential properties that prioritizes family units. The ~~district RP~~ has a mix of small to large residential house types.”

o Sec. 102-770.1 Permitted Principal Uses

Permitted Use	Subject to the Following:
Accessory Dwelling Unit (ADU)	<1,500 SF
Bed & Breakfast Inn/Tourist Home	
Bed & Breakfast w-Meeting/Dining Facilities	Special Exception
<del>Dwelling</del> , Single-family Dwelling	
Duplex/Two-Family Dwelling	Affidavit of owner-occupancy for new structures with Certificate of Occupancy

o Sec. 102-770.2 The addition of the uses “Bed & Breakfast Inn/Tourist Home” as well as “Bed & Breakfast w-Meeting/Dining Facilities” and “Duplex” to the proposed Residential Preservation zoning district was introduced at the April, 2016 Joint Committee Meeting and discussed at several meetings thereafter. The consensus was to add the uses with a mechanism that establishes owner-occupancy for the Duplexes with the least onerous methods possible: A general condition: “1) In the case of a “Duplex/Two-Family Dwelling” the property owner must occupy one of the two dwelling units.”, and 2) An completed affidavit of occupancy by the owner of one unit upon application for a final “Occupancy” permit from the Building Code department.

o Sec. 102-770.3 The dimensional regulations for the proposed Residential Preservation zoning district was discussed at the May 2016 Joint Committee Meeting by analyzing sample parcels. It was established that of 181 total parcels in the RP zoning district, 18 would become non-conforming w/ the inclusion of “duplexes”. Additionally, the number of non-conforming Residential Preservation parcels was reduced further to 8 by the subsequent removal of the Water & Dunbar St. parcels; discussed at several meetings with consensus at the October Joint Committee Meeting

MAXIMUM BUILDING HEIGHT - STORIES	MINIMUM LOT SIZE	MINIMUM LOT SIZE PER DWELLING UNIT	ALLOWABLE DWELLING UNITS	MINIMUM LOT WIDTH AT BUILDING LINE	MINIMUM SETBACKS; BUILDINGS	MAXIMUM % OCCUPIED BY STRUCTURE/S	MAXIMUM % OF LOT IMPERMEABLE (Buildings & Pavement)	MINIMUM % GREEN/OPEN SPACE
2	8,000 SF	5,400 SF	2	60'	15' Front 10' Side 20' Rear	35%	45%	55%

## Division 22 - Business Growth and Re-Use District (BGR)

### ○ Sec. 102-771.0 – Intent

The intent of this district is to enhance~~ing~~ the economic vitality of the area by re-developing ~~the area~~ with new technology companies as well as clean manufacturing, processing, assembling and wholesaling businesses within a walkable, human-scaled location. The district ~~can also~~ provides ~~additional~~ height, density, and mixed-use incentives to attract redevelopment adjacent to Keene’s urban core. Existing infrastructure and services as well as access to the Cheshire Rail Trail ~~can~~ maximizes ~~sSmart~~ ~~gGrowth~~ ~~possibilities~~ ~~options~~. Creative development opportunities are encouraged ~~abound~~ alongside the Beaver Brook corridor, ~~within~~ utilizing Keene’s environmentally-progressive planning policies and adaptive re-use ~~tradition. is strongly encouraged.~~

### ○ Sec. 102-771.1 - Permitted Principal Uses

Discussed at the April Joint Committee Meeting regarding BGR Primary Uses:

- Increased Square Footage: Enlarged the SF to make sure to not discourage larger businesses. Provision for “Special Exception” will allow review to assure that impacts are evaluated prior to approval.
- Discussed that 80% of jobs in Keene are in businesses that use less than 50,000.
- Established that both Office and Manufacturing Principal Uses have equivalent size regulations.
- Increased to 30K SF per Monadnock Economic Development Corporation’s (MEDC) recommendation of most frequent SF requests for new businesses.
- Institutional Uses added.
- Neighborhood Grocery Square Footage: enlarged after additional research on optimum size for this type of market.
- Definition Revisions per the November and December Joint Committee Meeting decisions on Terms and Definitions.

(See the table below)

Permitted Use	Subject to:
Assembly	Any one use may occupy no more than <del>20,000-</del> 30,000 gross square feet of floor space. Special exception subject to criteria for > 30,000 square feet.
<del>Bed an Breakfast Inn/Tourist Home</del>	
<del>Bed and Breakfast with Meeting/Dining</del>	
Bulk Storage & Distribution of goods, accessory to main manufacturing use	Any one use may occupy no more than <del>20,000-</del> 30,000 gross square feet of floor space. Special exception subject to criteria for > 30,000 square feet.
<del>Clinic</del>	<del>Any one use may occupy no more than 20,000—30,000 gross square feet of floor space. Special—exception subject to criteria for &gt; 30,000 square feet.</del>
<del>College: undergraduate, graduate and industrial training programs—Training: Undergraduate,—Graduate &amp; Industrial Programs—</del>	Any one use may occupy no more than <del>20,000-</del> 30,000 gross square feet of floor space. Special exception subject to criteria for > 30,000 square feet.
<del>Greenhouse/Nursery—</del>	
Health & Fitness Center	Special Exception required for all outdoor activities. Accessory use only.
<del>Historic Site,—Open to Public—</del>	
<del>Home Occupation/Live-Work Unit Space—</del>	
Home Offices (Insurance/Publishing Companies, Manufacturing Firms)	
Institutional Use: Health Care Facility, Hospital, Clinic, Nursing Home, Sanitarium, Convalescent Home Home for the Aged, Private School, Place of Worship, Senior Center, Museum, Child Care Facility	Special Exception. Subject to conditions and limitations as specified in Division 12 of Article V pertaining to institutional uses.
Manufacturing/Processing	Any one use may occupy no more than <del>20,000-</del> 30,000 gross square feet of floor space. Special exception subject to criteria for > 30,000 square feet.
<del>Multi-Dwelling Structure,—Multi-Family—</del>	Special condition mixed use only when connected to a particular commercial or specific industrial use. See criteria.
Neighborhood Grocery Store	< <del>1,500 SF</del> 3,500 SF
<del>Nursery/Greenhouse</del>	

<del>Nursery/Child Care Facility</del>	<del>Special Exception</del>
Office, Small Scale Corporate, Business or Professional Purposes	Any one use may occupy no more than <del>10,000-20,000</del> gross SF of floor space. <del>Special exception subject to criteria for &gt; 20,000 square feet.</del>
Research & Development <del>Laboratory</del>	Any one use may occupy no more than <del>20,000-30,000</del> gross square feet of floor space. <del>Special exception subject to criteria for &gt; 30,000 square feet.</del>
Restaurant	As distinguished from a bar and less than 50 seats.

o Section 102-771.2 – General

(3) For ecological and aesthetic reasons, the City encourages this “No-Build Setback Strip” to be maintained as an open, strip of native grasses and wildflower meadow from NH Route 12 to Railroad Street. The City also encourages an easement be granted to the City for a ~~passive~~ walking and bicycling trail connection from NH Route 12 along Beaver Brook to the City’s Rail Trail connection at Water Street.

o Section 102-771.4 – Density, Height, Dimensional Regulations

Per the July Joint Committee Meeting discussion:

- Table modified to show both Incentive and regular Density, Height and Dimensional requirements. Per the July Committee Meeting discussions; clarifying the benefits of the Incentive Option.
- Regulating sidewalk widths was deemed infeasible.
- Maximum of Lot Impermeable (45%) is equivalent to that of both Low Density & Residential Preservation zoning districts with the added consideration of the area’s predominance for seasonal flooding. Current Industrial zoning district regulations allow up to 80% impermeable.

Table I: Dimensional Regulations for Eligible BGR Projects

Maximum Building Height		Maximum Building Height for Incentive Eligible Projects		Minimum Lot Size	Minimum Lot Size for Incentive Eligible Projects	Minimum Building Setbacks	Minimum Setback Between Structure & New Parking Lots Impervious/Paved Areas	Minimum Landscape Buffer from at Structures	Minimum Open Space Setbacks; New Structure further from 100-year Floodway	Sidewalk Widths	Maximum % of Lot Impermeable (Includes Structures & Paving)	Minimum % Green/Open Space
Permitted	Permitted w/ 1st Fl. Prkg.	Permitted	Permitted w/ 1st Fl. Prkg.									
4	2	3	4	10,000 SF	None	20' Front 20' Side 20' Rear	20'	10' Front 10' Side 10' Rear	20' Front 20' Side 20' Rear	10/20'	45	55

\* The front building setback shall be 5' maximum from a Marlboro Street frontage.

- Staff revision for clarity of the incentive option:  
Section 102-771.4 – Density, Height, Dimensional Regulations, continued  
**(2) Projects that meet eligibility requirement may take advantage of additional building height opportunities.**
  
- Staff revisions for clarity per the Gilbo Avenue Design Overlay District:  
**(3) ~~There shall be a maximum structure~~ With regard to the front building** setback of five feet from any Marlboro Street property line. Minor deviations equal to a maximum of 25 percent of street frontage are permitted for parks, open space, plazas or such architectural features as recesses, niches, ornamental projections, entrance bays, or other articulations of the façade, unless otherwise prohibited by City Code.  
**(4) ~~There shall be a maximum structure~~ With regard to the front building** setback of ten feet from any **other** street frontage property line in the BGR District, **minor** deviations equal to a maximum of 33 percent of building frontage are permitted for parks, open space, patio space or such architectural features as recesses, niches, ornamental projections, entrance bays, or other articulations of the façade, unless otherwise prohibited by City Code.
  
- July Joint Committee Meeting: Consensus to not require first floor parking. Wording changed to “encourage”. This provision would trigger the incentive of an additional building floor.  
**(5) First floors are encouraged to be designated for vehicular or bicycle parking only. An additional story of building height is offered as an incentive.**
  
- Further staff discussions deemed the Adaptive Re-Use Incentive Option provision was not productive/useful for the existing buildings within the proposed BGR zoning district.
  
- Sec. 102-771.65 - Parking Regulations and Incentives - Staff reduced the proposed parking incentives to reflect the Joint Committee members’ concerns regarding adequate parking requirements voiced at several Joint meetings.



Division 23 - Neighborhood Business District (NB)

o Section 102-772.1 Permitted Principal Uses

Revisions discussed at the September Joint Committee Meeting with consensus on the shown changes:

- Addition of both Bed & Breakfast uses.
- Addition of Institutional uses
- Term revisions per the November and December Joint Committee Meeting discussions on terms and definitions.

Permitted Use	Subject To:
<del>Bed and Breakfast Inn/Tourist Home</del>	
Bed and Breakfast with Meeting/Dining Facilities	Special Exception
<del>Multi-Dwelling Unit, Multi-Family Structure</del>	
Funeral Parlor	< 3,750SF
Nursery/Greenhouse, <del>Nursery</del>	< 5,000 SF
Health & Fitness Center	< 2,500 SF
Institutional Use: Health Care Facility, Hospital, Clinic, Nursing Home, Sanitarium, Convalescent Home, Home for the Aged, Private School, Place of Worship, Senior Center, Museum, Child Care Facility	Special Exception, Subject to conditions and limitations as specified in division 12 of article V of this chapter pertaining to institutional use.
Neighborhood Grocery Store	<del>&lt; 1,500SF</del> 3,500 SF
Nursery/Child Care Facility	< 3,000SF
Office, Professional	<del>&lt;2,500 SF</del> <5,000 SF
<del>Public</del> Historic Site	
Restaurant	<del>&lt;4,000SF</del> <3,500 SF
Retail Sales/Service	<del>&lt;2,500SF</del> <3,500 SF

o Section 102-772.2 – Density, Height, Dimensional Regulations

September Jt. Mtg. discussed Density, Height and Dimensional Regulations. Staff recommendations for the proposed Neighborhood Business zoning district along Marlboro St.:

- Discussion regarding the benefits of an additional floor for new building with the 1st floor parking led to clarification of an incentive: an additional building floor (4 from 3), triggered by the designation of 1st floor parking only under the building.

- Consensus on 4,400 SF Maximum Footprint Occupied by Structure (55%) with additional 800 SF allowed Impermeable Area (65%) for walkways and parking (if not 1st floor). This leaves 35% Minimum % Green/Open Space. The current Industrial zone has no provision and the High Density zone requires 25%.

MAXIMUM BUILDING HEIGHT - STORIES	MAX. BLDG. HT/STORIES (w/ 1st Floor Parking)	MINIMUM LOT SIZE	MINIMUM BUILDING SETBACKS	MINIMUM SETBACK between STRUCTURE & IMPERVIOUS /PAVED AREAS	MAXIMUM BUILDING SETBACK from FRONT PROPERTY LINE	MAXIMUM % OCCUPIED BY STRUCTURE	MAXIMUM % OF LOT IMPERMEABLE (Includes Structures & Paving)	MINIMUM LANDSCAPE BUFFER from STRUCTURES	MINIMUM % GREEN/OPEN SPACE
2	4	8,000 SF	5' Front	10'	10'*	55	65	10' Front 10' Side 10' Rear	35
*Minor deviations equal to a maximum of 33 percent of building frontage are permitted for parks, open space, patio space or such architectural features as recesses, niches, ornamental projections, entrance bays, or other articulations of the façade, unless otherwise prohibited by City Code.									

- Further internal staff discussions determined that the Adaptive Re-Use Incentive Option for the areas along Marlboro Street would not satisfy current concerns regarding adequate parking provisions for new businesses.
- Section 102-772.3 Parking Regulations  
Additional provisions were added to address Joint Committee concerns regarding adequate parking provisions for new businesses.

**O-2016-02 Revised Zoning Map Changes:**

The attached O-2016-02 document shows the project map to date. The changes to what was presented at the January 2016 City Council meeting are the following:

1. The removal of the Dunbar & Water Street Parcels.
2. The shifting of 340 – 382 Marlboro Street parcels from the proposed Business Growth & ReUse zoning district to the proposed Neighborhood Business Zoning District.
3. The shifting of the following parcels from the Industrial and Medium Density zoning districts to the proposed Business Growth & ReUse zoning district:
  - 160 Water St
  - 200 Water St.
  - 87 Carpenter St.
  - 197 Water St.
  - 163 Water St.
4. The shifting of the 215 Water St. and 0 Water St. parcels from the Industrial zoning district to the Medium Density zoning district.

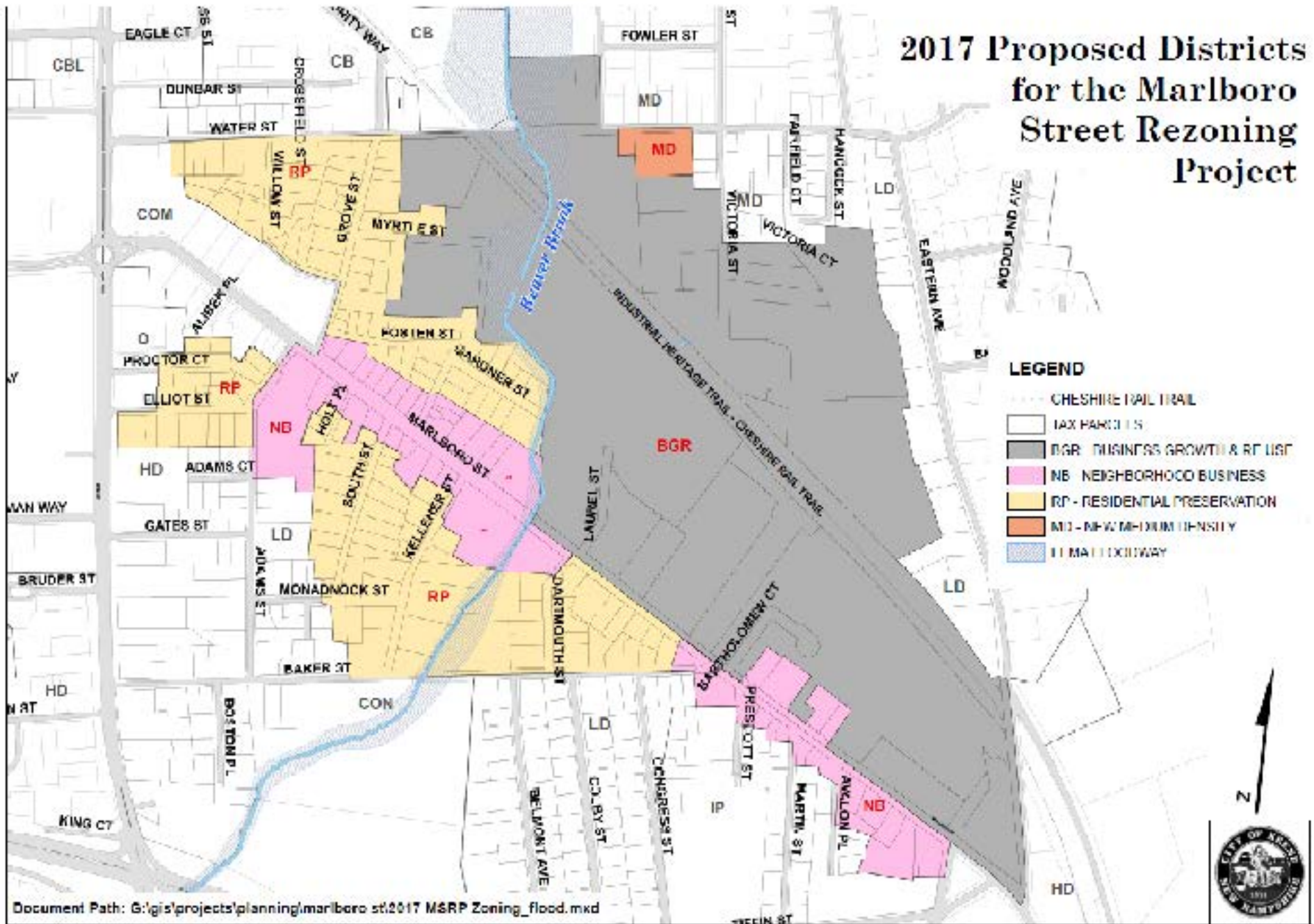
**Recommendation**

Vote on the amended ordinances if there is a decision of the two remaining issues and consensus on the other ordinance changes.

Or

Continue the public workshop. The amended ordinance versions O-2016-01-A and O-2016-02-A will be presented at the May 8, 2017 Joint Workshop for discussion and possible vote.

# 2017 Proposed Districts for the Marlboro Street Rezoning Project



**C.** 122 and 124 Water St.: September & Oct. Joint Committee Mtg. - Discussions to change the zoning district for these parcels from Industrial to the proposed BGR zoning district or the adjacent CB zoning district.

**G.** 160 Water St. & 87 Carpenter St.: Feb. 2017 Committee Mtg. - Consensus to shift parcel zoning from MD and Industrial to BGR

**B.** 215 and 0 Water Street: Feb. 2017 Committee Mtg. - Consensus to shift parcel zoning from Industrial to the neighboring MD, linking to the residential areas across the street north and east.

**H.** Water and Dunbar Street: Oct. Joint Committee Mtg. - Consensus to remove the parcels from the proposed RP zoning district and therefore the Marlboro Street Re-Zoning Project.

## 2017 Proposed Districts for the Marlboro Street Rezoning

**F.** 197 Water St., Bentley Commons: Feb. 2017 Committee Mtg. - Consensus to shift parcel zoning from Industrial to the proposed BGR due to the density of Bentley Commons use.

**E.** Proctor Court & Elliot St: Feb. 2017 Committee Mtg. - Consensus to leave parcels in the current, proposed, RP zoning district.

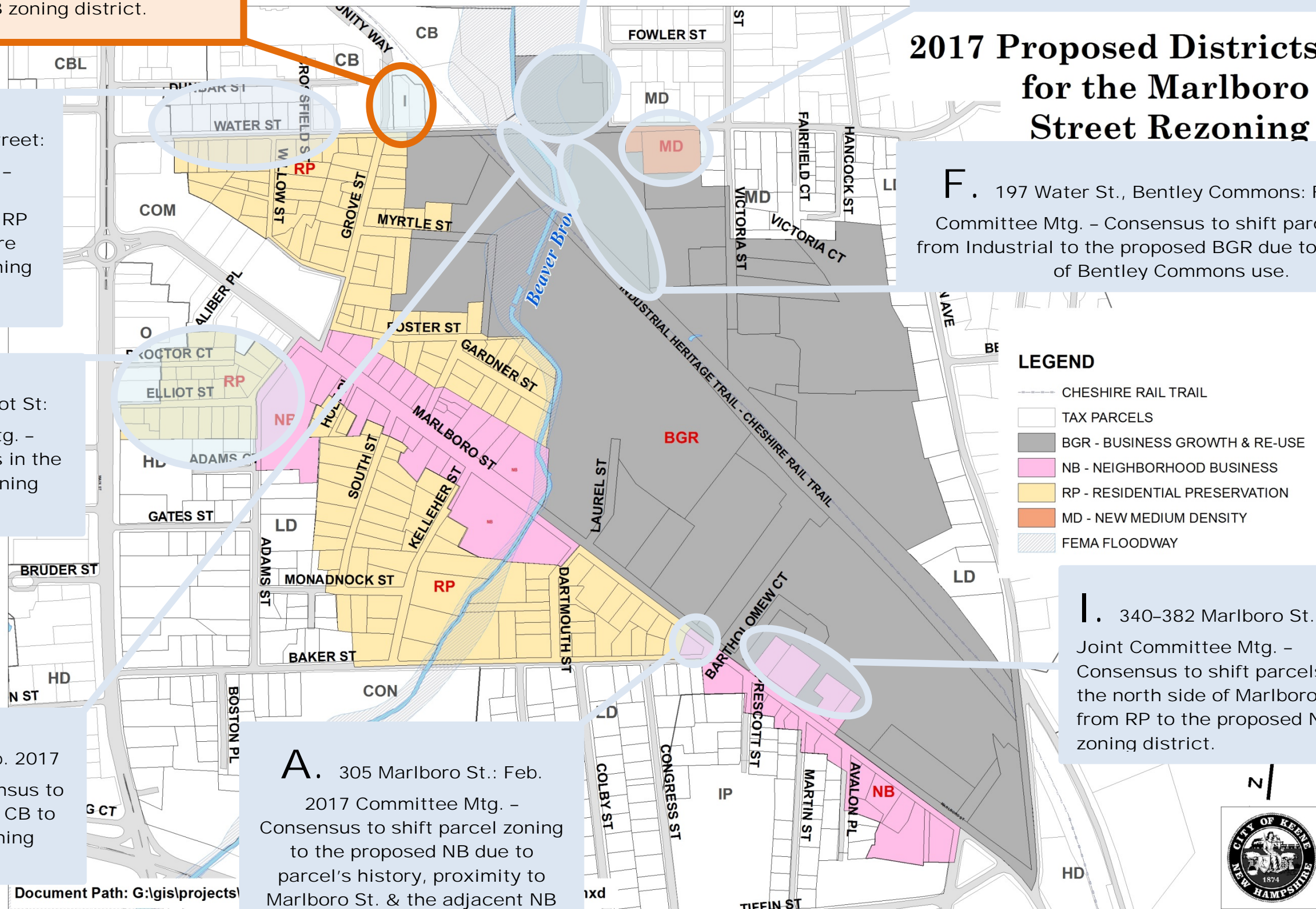
### LEGEND

- CHESHIRE RAIL TRAIL
- TAX PARCELS
- BGR - BUSINESS GROWTH & RE-USE
- NB - NEIGHBORHOOD BUSINESS
- RP - RESIDENTIAL PRESERVATION
- MD - NEW MEDIUM DENSITY
- FEMA FLOODWAY

**D.** 163 Water St.: Feb. 2017 Committee Mtg. - Consensus to shift parcel zoning from CB to the proposed BGR zoning district.

**A.** 305 Marlboro St.: Feb. 2017 Committee Mtg. - Consensus to shift parcel zoning to the proposed NB due to parcel's history, proximity to Marlboro St. & the adjacent NB zoning district.

**I.** 340-382 Marlboro St.: Sept. Joint Committee Mtg. - Consensus to shift parcels on the north side of Marlboro Street from RP to the proposed NB zoning district.



Document Path: G:\gis\projects\

# C.

## 122 & 124 Water Street Parcels

### Comparison of Existing and Permitted Uses

Permitted Use	(EXISTING) Industrial - I	(PROPOSED) Business Growth & Re- Use (BGR)	(EXISTING) Central Business-CB
Assembling	P	P SE (>30K SF)	
Bulk storage and distribution, including flammable materials	P		
Bulk storage and distribution, including flammable materials, accessory to main manufacturing use	P		
College: undergraduate, graduate and industrial training programs	P (Condition)	P SE (>30K SF)	
<b>Garage, business</b>	<b>P</b>		<b>P</b>
Health & Fitness Center	P (SE for outdoor activities.)	P SE (Outdoor Activities)	SE for Outdoor Activities
Historic site open to the public	P	P	P
Home Offices of Insurance Companies, Publishing Companies, Manufacturing Firms	P	P SE (>20K SF)	
Office, small scale corporate, business or professional purposes	P	<b>P</b> SE (>20K SF)	
Manufacture/ Manufacturing	P	P	
<b>Motor vehicle repair garage, paint shop</b>	<b>P (Condition)</b>		
Noncommercial outdoor recreational activity	P		
Processing	P	P SE (>30K SF)	
Research & Development Laboratory	P	P SE (>30K SF)	P
Warehousing	P	P SE (>30K SF)	
Wholesaling	P	P SE (>30K SF)	
Asphalt plant, smelter, forge, tannery, brewery, rendering plant, explosives manufacturing	SE		

P = Permitted use

CUP = Conditional Use Permit required

SE = Special Exception required

**Bold Text** = Added or Revised Content

# C.

## 122 & 124 Water Street Parcels

### Comparison of Existing and Permitted Uses

Permitted Use	(EXISTING) Industrial - I	(PROPOSED) Business Growth & Re- Use (BGR)	(EXISTING) Central Business-CB
Institutional Use: Health Care Facility, Hospital, Clinic, Nursing Home, Sanitarium, Convalescent Home, Home for the Aged, Private School, Place of Worship, Senior Center, Museum, Child Care Facility	SE	<b>SE</b>	P
Nursery/Child Care Facility	SE	Institutional (SE)	P
Offices for corporate, business or professional purposes (single office min. 10,000 sf)	SE		
Storage facility, self-service	SE		
Art Center			P
Banking or lending institution			P
Bed and breakfast w/ Meeting/Dining Facilities		P	
Bed and breakfast inn/tourist home		P	
Bulk Storage		P SE (>30K SF)	
Child care facilities for employees only		Institutional (SE)	
Clinic		Institutional (SE)	P
Drive-in use			SE
Dwelling, Single-Family			
Dwelling, Duplex/Two Family			
Dwelling, Multi		P Special Conditions	P
Funeral parlor			P
Home Occupation/ Live-Work (incidental to main residential use)		P	P

P = Permitted use

CUP = Conditional Use Permit required

SE = Special Exception required

**Bold Text** = Added or Revised Content

# C.

## 122 & 124 Water Street Parcels

### Comparison of Existing and Permitted Uses

Permitted Use	(EXISTING) Industrial - I	(PROPOSED) Business Growth & Re- Use (BGR)	(EXISTING) Central Business-CB
Hotel/Motel			P
Neighborhood Grocery Store		< 3,500 SF	
Nursery/Greenhouse		P	
Offices, including warehousing, wholesaling or retailing			P
Parking area (lot)			P
Place of Worship		Institutional (SE)	P
Private club, lodge or fraternal activity			P
Private school		Institutional (SE)	P
Recreational activity as a business			SE
Recycling Plant	Visual Screening Required		
Restaurant		P	P
Retail sales/services			P (includes indoor MV)
Senior Center		Institutional (SE)	

P = Permitted use

CUP = Conditional Use Permit required

SE = Special Exception required

**Bold Text** = Added or Revised Content



# C.

## 122, 124 Water Street Parcels

Existing and Proposed Dimensional Requirements

ZONING DISTRICTS	MAXIMUM BUILDING HEIGHT - STORIES	MAX. BLDG. HT./STORIES (w/ 1st Floor Parking)	MAX. BLDG. HT./STORIES for INCENTIVE ELIGIBLE PROJECTS	MAX. BLDG. HT./STORIES for INCENTIVE ELIGIBLE PROJECTS (w/ 1st Floor Parking)	MINIMUM LOT AREA (for 1st DWELLING UNIT)	MIN. LOT SIZE for INCENTIVE ELIGIBLE PROJECTS	MINIMUM LOT SIZE PER additional DWELLING UNIT/S	MINIMUM LOT WIDTH AT BUILDING LINE	MINIMUM BUILDING SETBACKS	MIN. BLDG. SETBACKS for INCENTIVE ELIGIBLE PROJECTS	MINIMUM SETBACK between STRUCTURE & <del>NEW</del> PARKING LOTS IMPERVIOUS /PAVED AREAS	MAXIMUM % OCCUPIED BY STRUCTURE	MAXIMUM % OF LOT IMPERMEABLE (Includes Structures & Paving)	MINIMUM LANDSCAPE BUFFER from STRUCTURES	MINIMUM OPEN SPACE SETBACKS; NEW STRUCTURE further from 100-YEAR FLOODWAY	MINIMUM % GREEN/OPEN SPACE
Central Business (Existing)	4	n/a	n/a	n/a	none	n/a	n/a	none	None	n/a	n/a	100	100	n/a	n/a	None
									None							
									None							
Business Growth and Re-Use (Proposed)	4 2	3	3	4	10,000 SF	None	n/a	n/a	10' Front*	0' Front	20'	n/a	45	10' Front	20' Front	55
									20' Side	0' Side				10' Side	20' Side	
									20' Rear	0' Rear				10' Rear	20' Rear	
Industrial (Existing)	2	n/a	n/a	n/a	none	n/a	n/a	none	20' Front	n/a	n/a	80	80	n/a	n/a	None
									15' Side							
									20' Rear							

\*Minor deviations equal to a maximum of 33 percent of street frontage are permitted for parks, open space, patio space or such architectural features as recesses, niches, ornamental projections, entrance bays, or other articulations of the façade, unless otherwise prohibited by City Code. Additionally, the front building setback shall be 5' maximum from a Marlboro Street frontage.

## Marlboro Zoning Ordinance – O-2016-01-A

To Amend Chapter 2300, Districts within the Zoning Ordinance of the City of Keene

1. That the Ordinances of the City of Keene, Article IV. Division I. Section 102-241(a). Establishment and boundary lines, are amended by adding the following districts to *District Titles* as follows:

- a) Residential Preservation - RP
- b) Business Growth and Re-Use - BGR
- c) Neighborhood Business – NB

2. That the Ordinances of the City of Keene, Article IV. is amended by adding the following Districts:

### Division 21. - Residential Preservation (RP)

Sec. 102-770. – Intent

The intent of this Residential Preservation District (RP) is to provide and/or re-create a neighborhood of residential properties that prioritizes family units. The RP has a mix of small to large residential house types. There are shallow front setbacks and shallow to medium side setbacks; with variable, private landscaping, streets with curbs, sidewalks, and shade trees that define medium to large blocks.

- (1) Prioritize residential uses with proximity to small, urban green spaces connected to walk and bike locations along and into the connecting streets and districts;
- (2) Encourage an environment where buildings are arranged, sized and scaled according to the needs and comfort of pedestrians;
- (3) Encourage and/or maintain walk and bike-friendly connections throughout the district and along streets;

Sec. 102-770.1 - Permitted Principal Uses – Any mixture of these primary uses is permitted

Permitted Use	Subject to the Following:
Accessory Dwelling Unit (ADU)	<1,500 SF
Bed & Breakfast Inn/Tourist Home	
Bed & Breakfast w-Meeting/Dining Facilities	Special Exception
Dwelling, Single-family Dwelling	
Duplex/Two-Family Dwelling	Affidavit of owner-occupancy for new structures with Certificate of Occupancy
Noncommercial Raising of Farm Animals	
Nursery/ <del>or</del> Child Care Facility	< 2,500 SF

Sec. 102-770.2 - General

- 1) In the case of a “Duplex/Two-Family Dwelling”, the property owner must occupy one of the two dwelling units.

**Comment [M1]:** The addition of “Duplex” to the RP zoning district was introduced at the April, 2016 Jt. Mtg. and discussed at several meetings thereafter.

Sec. 102-770.3 – Density, Height, Dimensional Regulations

MAXIMUM BUILDING HEIGHT - STORIES	MINIMUM LOT SIZE	MINIMUM LOT SIZE PER DWELLING UNIT	ALLOWABLE DWELLING UNITS	MINIMUM LOT WIDTH AT BUILDING LINE	MINIMUM SETBACKS; BUILDINGS	MAXIMUM % OCCUPIED BY STRUCTURE/S	MAXIMUM % OF LOT IMPERMEABLE (Buildings & Pavement)	MINIMUM % GREEN/OPEN SPACE
2	8,000 SF	5,400 SF	2	60'	15' Front	35%	45%	55%
					10' Side			
					20' Rear			

The consensus was to add the use with the provision of a mechanism that establishes and requires owner-occupancy. The least onerous methods being shown:

1. A general condition, and
2. An affidavit upon application for an Occupancy Permit.

Sec. 102-770.4 -5 - Reserved

Division 22 - Business Growth and Re-Use District (BGR)

Sec. 102-771.0 – Intent

The intent of this district is to enhancing the economic vitality of the area by re-developing the area with new technology companies as well as clean manufacturing, processing, assembling and wholesaling businesses within a walkable, human-scaled location. The district can also provides additional height, density, and mixed-use incentives to attract redevelopment adjacent to Keene’s urban core. Existing infrastructure and services as well as access to the Cheshire Rail Trail can maximizes Smart Growth possibilities options. Creative development opportunities are

**Comment [M2]:** The dimensional regulations for the RP zoning district was discussed at the May 2016 Jt. Mtg. by analyzing sample parcels.

It was established that of 181 total parcels in the RP zoning district, 18 would become non-conforming w/ the inclusion of “duplexes”.

The # of non-conforming RP parcels was reduced further to 8 by the subsequent removal of the Water & Dunbar St. parcels; discussed at several meetings with consensus at the October Jt. Mtg.

encouraged ~~abound~~ alongside the Beaver Brook corridor, ~~within~~ utilizing Keene's environmentally-progressive planning policies and adaptive re-use ~~tradition. is strongly encouraged.~~

- 1) Create conditions suitable to co-exist adjacent to residential neighborhoods;
- 2) Create conditions which support that of a high quality, walkable community. A "Walkable Community" being an economically thriving, livable, aesthetically harmonious, ecologically sustainable place that gives their residents a variety of safe transportation choices and improved quality of life.
- 3) Create a sense of place through enhancing public access, providing landscape amenities, ensuring proper lighting and promoting an aesthetically-pleasing streetscape;
- 4) Connect uses and buildings while prioritizing pedestrian and bicycle access separate from vehicular access;
- 5) Utilize the construction of new and adaptive re-use of existing buildings as opportunities to create "outdoors rooms", a critical element of "place-making"; aiming for ratios of building facades to roadway widths from 1:2 to 3:2;
- 6) Recognizing as well as the role of large street trees which also play an important role in creating a pedestrian scale. Pedestrian comfort being another critical element to the vitality of these new places being created;
- 7) Reduce the impacts of parking through its placement behind or alongside buildings;
- 8) Provide open space and landscaping to create shade and small, public spaces for social interaction, enhancing the visual appearance and appeal of the individual properties along Marlboro Street and connecting streets;
- 9) Provide trails 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;
- 10) Provide pedestrian amenities such as kiosks, stands, street furniture, drinking fountains, trash and recycling receptacles,
- 11) Enhance the visual appearance of the individual properties, Marlboro Street, and connecting streets;
- 12) Provide location-sensitive transitions between neighborhoods and uses along Marlboro Street; and
- 13) Provide shade and public spaces for social interaction.

Sec. 102-771.1 - Permitted Principal Uses – Any mixture of these primary uses is permitted:

**Comment [M3]: Discussed at the April  
Jt. Committee Mtg. regarding BGR  
Primary Uses**

**#1 - INCREASED SQUARE FOOTAGE:  
Enlarged the SF to make sure to not  
discourage larger businesses.  
Provision for “Special Exception” will  
allow review to assure that impacts  
are evaluated prior to approval.**

**#2 – Discussed that 80% of jobs in  
Keene are in businesses that use less  
than 50,000.**

**#3 – Established that both Office and  
Manufacturing Principal Uses have  
equivalent size regulations.**

**#4 - Increased to 30K SF per  
Monadnock Economic Development  
Corporation’s (MEDC) recommendation  
of most frequent SF requests for new  
businesses.**

**#5 - INSTITUTIONAL USES added.**

**#6 - NEIGHBORHOOD GROCERY  
SQUARE FOOTAGE: enlarged after  
additional research on optimum size  
for this type of market.**

**#7 - TERM REVISIONS per the  
November and December Jt. Mtg.  
decisions on TERMS and  
DEFINITIONS.**

Permitted Use	Subject to:
Assembly	Any one use may occupy no more than <del>20,000-</del> 30,000 gross square feet of floor space. <b>Special exception subject to criteria for &gt; 30,000 square feet.</b>
<del>Bed an Breakfast Inn/Tourist Home</del>	
<del>Bed and Break fast with Meeting/Dining</del>	
Bulk Storage & Distribution of goods, accessory to main manufacturing use	Any one use may occupy no more than <del>20,000-</del> 30,000 gross square feet of floor space. <b>Special exception subject to criteria for &gt; 30,000 square feet.</b>
<del>Clinic</del>	<del>Any one use may occupy no more than 20,000-</del> <del>30,000 gross square feet of floor space. Special</del> <del>exception subject to criteria for &gt; 30,000 square feet.</del>
<del>College: undergraduate, graduate and industrial training programs -Training-Undergraduate,- Graduate &amp; Industrial Programs</del>	Any one use may occupy no more than <del>20,000-</del> 30,000 gross square feet of floor space. <b>Special exception subject to criteria for &gt; 30,000 square feet.</b>
<del>Greenhouse/Nursery</del>	
Health & Fitness Center	Special Exception required for all outdoor activities. Accessory use only.
<del>Historic Site, Open to Public</del>	
<del>Home Occupation/Live-Work Unit Spaae</del>	
Home Offices (Insurance/Publishing Companies, Manufacturing Firms)	
Institutional Use: Health Care Facility, Hospital, Clinic, Nursing Home, Sanitarium, Convalescent Home Home for the Aged, Private School, Place of Worship, Senior Center, Museum, Child Care Facility	Special Exception. Subject to conditions and limitations as specified in Division 12 of Article V pertaining to institutional uses.
Manufacturing/Processing	Any one use may occupy no more than <del>20,000-</del> 30,000 gross square feet of floor space. <b>Special exception subject to criteria for &gt; 30,000 square feet.</b>

<del>Multi-Dwelling Structure, Multi-Family</del>	Special condition mixed use only when connected to a particular commercial or specific industrial use. See criteria.
Neighborhood Grocery Store	< <del>1,500 SF</del> 3,500 SF
<del>Nursery/Greenhouse</del>	
<del>Nursery/Child Care Facility</del>	<del>Special Exception</del>
Office, Small Scale Corporate, Business or Professional Purposes	Any one use may occupy no more than <del>10,000-20,000</del> gross SF of floor space. <del>Special exception subject to criteria for &gt; 20,000 square feet.</del>
Research & Development <del>Laboratory</del>	Any one use may occupy no more than <del>20,000-30,000</del> gross square feet of floor space. <del>Special exception subject to criteria for &gt; 30,000 square feet.</del>
Restaurant	As distinguished from a bar and less than 50 seats.
Warehousing	Any one use may occupy no more than <del>20,000-30,000</del> gross square feet of floor space. <del>Special exception subject to criteria for &gt; 30,000 square feet.</del>
Wholesaling	Any one use may occupy no more than <del>20,000-30,000</del> gross square feet of floor space. <del>Special exception subject to criteria for &gt; 30,000 square feet.</del>

Sec. 102-771.2 – General

- (1) Buildings may have more than one principal façade and/or entry.
- (2) New buildings which have a property line along Beaver Brook are encouraged to “face” Beaver Brook as an amenity. Beaver Brook has a legal “floodway” on either side of its banks which form a “No-Build Setback Strip.” This strip is dry most of the year.
- (3) For ecological and aesthetic reasons, the City encourages this “No-Build Setback Strip” to be maintained as an open, strip of native grasses and wildflower meadow from NH Route 12 to Railroad Street. The City also encourages an easement be granted to the City for a ~~passive~~ walking and bicycling trail connection from NH Route 12 along Beaver Brook to the City’s Rail Trail connection at Water Street.
- (4) Service alleys shall be no more than 15 feet wide.

- (5) Lighting and windows onto a service alley shall be placed at regular, evenly-spaced intervals.
- (6) Ground-level HVAC units are not permitted, unless completely screened from street, sidewalk, path and street views.

Sec. 102-771.3 – New Building Incentive Option

Application procedures and information required.

(a) Upon application, the zoning administrator shall begin the process for evaluating whether or not a project is eligible for the incentives contained within the BGR district. The applicant shall be responsible for submitting a letter of intent, application form and application fee (collectively identified as the "application") to the zoning administrator to initiate this process.

(b) The letter of intent, signed by the applicant and property owner, or his authorized agent, shall include a narrative that addresses the following:

- (1) A description of the complete project and what strategies will be employed to obtain a green building certification.
- (2) The green building system and level of attainment proposed for the project.
  - a. LEED®, Green Globes, the National Green Building Standard (ICC 700), and the International Green Construction Code are the acceptable Green Building Rating systems for this article.
  - b. Demonstrated compliance with these systems will permit pre-certification.
- (3) All necessary information to allow an informed decision regarding the applicant's ability to comply with the chosen rating system.
- (4) Statement that the applicant releases the City of Keene, its officers, employees, agents and servants from any liability if the applicant is unsuccessful in efforts to attain green building certification or equivalent, as identified in this article.

(c) With the letter of intent, the applicant will choose a third party reviewer from a listing of third party reviewers maintained by the code enforcement department. The applicant can provide a third-party nomination to the code enforcement department, but acceptance of the third party shall be at the sole discretion of the department. The costs and expenses of the third-party reviewer shall be paid by the applicant at the time of the filing of the application. Within 35 business days, the third-party reviewer will make a determination of the project's ability to achieve a minimum green building pre-certification status for one of the following rating systems:

LEED ®	LEED ® Silver
Green Globes	Two Green Globes

National Green Building Standard (ICC 700)	Silver - Green Building; and/or Two Stars - Site Design and Development
International Green Construction Code	Minimum compliance with the code and compliance with the adopted levels in Table 102.4.12.
Allowable Green Building Systems	

(d) Within ten business days after receipt of third-party review, results and commentary, the zoning administrator shall determine in writing if the project is:

- (1) Eligible for BGR district incentives.
- (2) Ineligible for BGR district incentives.

(e) Once the zoning administrator has issued a decision that the project is eligible, the applicant cannot change the proposed green building rating system without first obtaining the approval of the zoning administrator. In making this re-determination, the zoning administrator may require that the proposed change(s) be submitted to a third-party reviewer as provided by this article.

(f) Upon application, the applicant shall submit the review of the third-party and any acceptances or certifications from green rating agencies to demonstrate compliance with the proposed green building rating system or code.

(g) Prior to the issuance of a certificate of occupancy, the zoning administrator shall receive certification or documentation from the qualified third-party reviewer that the as-built project has achieved the proposed rating system. No certificate of occupancy or temporary certificate of occupancy shall be issued without demonstrated evidence supplied by the applicant and third-party reviewer that the project has achieved the proposed level of green building compliance.

**Sec. 102-771.4 – Density, Height, Dimensional ~~Incentives-Regulations~~**

Maximum Building Height		Maximum Building Height for Incentive Eligible Projects		Minimum Lot Size	Minimum Lot Size for Incentive Eligible Projects	Minimum Building Setbacks	Minimum Setback Between Structure & New-Parking-Lots /Paved Areas	Minimum Landscape Buffer from at Structures	Minimum Open Space Setbacks; New Structure further from 100-year Floodway	Sidewalk Widths	Maximum % of Lot Impermeable (Includes Structures & Paving)	Minimum Green/Op Space
Permitted	Permitted w/ 1st Fl. Prkg.	Permitted	Permitted w/ 1st Fl. Prkg.									
4	2	3	4	10,000 SF	None	20' Front 20' Side 20' Rear	20'	10' Front 10' Side 10' Rear	20' Front 20' Side 20' Rear	10/20'	45	55

\* The front building setback shall be 5' maximum from a Marlboro Street frontage.

**Comment [M4]: Per the July Jt. Committee Mtg. discussion:**

**#1 - Table modified to show both Incentive and regular Density, Height and Dimensional requirements. Per the July mtg. discussions; clarifying the benefits of the Incentive Option.**

**#2 - REGULATING SIDEWALK WIDTHS was deemed infeasible.**

**#3 - MAXIMUM OF LOT IMPERMEABLE (45%) is equivalent to that of both LOW DENSITY & RESIDENTIAL PRESERVATION with the added consideration of the area's predominance for seasonal flooding. Current INDUSTRIAL zoning district allows up to 80% impermeable.**



~~Projects that meet eligibility may take advantage of additional building height opportunity.~~

~~\* Sidewalk widths along streets within the BGR district shall be no less than ten feet off street and 20 feet along a street.~~

- (1) A new structure constructed within the BGR District shall have no fewer than two stories.
- (2) ~~Projects that meet eligibility requirements may take advantage of additional building height opportunities.~~
- (3) ~~There shall be a maximum structure~~ With regard to the front building setback of five feet from any Marlboro Street property line. Minor deviations equal to a maximum of 25 percent of street frontage are permitted for parks, open space, plazas or such architectural features as recesses, niches, ornamental projections, entrance bays, or other articulations of the façade, unless otherwise prohibited by City Code.
- (4) ~~There shall be a maximum structure~~ With regard to the front building setback of ten feet from any other street frontage property line in the BGR District, minor deviations equal to a maximum of 33 percent of building frontage are permitted for parks, open space, patio space or such architectural features as recesses, niches, ornamental projections, entrance bays, or other articulations of the façade, unless otherwise prohibited by City Code.
- (5) ~~First floors are encouraged to be designated for vehicular or bicycle parking only. An additional story of building height is offered as an incentive.~~

Comment [M5]: Staff revision for clarity of incentive option.

Comment [M6]: Staff revision for clarity per the Gilbo Avenue Design Overlay District.

Comment [M7]: July Jt. Comm. Mtg.: #1 - Consensus to not require first floor parking.

#2 - Wording changed to "encourage" this provision which would allow an additional building floor.

Comment [M8]: Further staff discussions deemed this provision not productive/useful for the existing buildings within the proposed BGR zoning district.

~~Sec. 102-771.5 Adaptive Re-Use Incentive Option~~

~~The City encourages reuse of existing buildings whenever possible for reasons of existing infrastructure efficiency, possible historical preservation and potential smart growth advantages.~~

~~Project Incentives: Adaptive Reuse Projects that comply with the majority of existing Development Standards and a solid set of Smart Growth Principles can also be eligible for the following incentives:~~

- (1) ~~The project can exceed the maximum density for the site provided the Adaptive Reuse Project is in compliance with the development standards.~~
- (2) ~~Existing building setbacks may remain and shall be considered legal nonconforming, but no further encroachments shall be permitted into any nonconforming setback.~~
- (3) ~~The height of the structure, if it exceeds the maximum height of the zoning district, may remain and shall be considered legal nonconforming, and any rooftop construction shall be included within the height exemption.~~
- (4) ~~A new loading zone shall not be required if the existing building does not have an existing loading zone.~~
- (5) ~~New parking spaces shall not be required for any converted use within the building, but any new square footage that includes any new units shall require additional parking at a minimum rate of 2 spaces per unit.~~

Sec. 102-771.65 - Parking Regulations and Incentives

- 1) Parking Regulations - 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 Paring with the Sustainable Energy Efficient Development (SEED) Overlay.*
- 2) Parking lots shall not be permitted at transition points into and out of the BGR district unless screened with landscaping and/or, fencing, existing buildings, new buildings.
- 3) Parking lots shall be located at the rear or side of a building(s).
- 4) The following parking requirements shall apply for an eligible project:
  - a) This article shall supersede parking requirements established in section 18-253.
  - b) Shared parking shall be permitted, pursuant to section 102-1450 - section 102-1456;
  - c) The maximum allowable distance between any property and the location of any off-site parking shall be 750 feet, pursuant to section 102-978;
- 5) The number of parking spaces required for eligible projects within the BGR zoning district shall comply with the parking requirements established in Table II: Parking Calculations for Eligible Projects within the BGR zoning district.

**Comment [M9]: Staff reduced the proposed parking incentives to reflect Jt. Committee members' concerns regarding adequate parking requirements voiced at several Jt. Mtgs. See revised table below.**

Table II: Parking Calculations for Eligible Projects within the BGR District			
USE CATEGORY	MINIMUM		
Dwellings, Multi-Family	1-25 Dwelling Units: 2.0 spaces per unit		
	26-50 Dwelling Units: 1.75 spaces per unit		
	51-100 Dwelling Units: 1.5 spaces per unit		
	100-150 Dwelling Units: 1.25 spaces per unit		
	>150 Dwelling Units: 1.0 spaces per unit		
Hotel, Motel, or Tourist Homes	One (1) per sleeping room	One (1) per five (5) seats in ancillary restaurants	One (1) per 500 s.f. of other areas
Restaurant, Theatre, Auditorium, Church, Places of Indoor Assembly	One (1) per every four (4) seats		
Retail	General Retail: one (1) per 275 s.f. of floor area		

Table II: Parking Calculations for Incentive Eligible Projects within the Business Growth & ReUse District	
USE CATEGORY	MINIMUM
Dwellings, Multi-Family*	1-25 Dwelling Units: 2.0 spaces per unit
	26-50 Dwelling Units: 1.75 spaces per unit
	51-100 Dwelling Units: 1.5 spaces per unit
	>100 Dwelling Units: 1.25 spaces per unit
* per Sec. 102-794 "...except per unit for elderly or special population housing which can demonstrate a reduced demand for parking"	

Sec. 102-771.~~76~~-9 – Reserved

### Division 23 - Neighborhood Business District (NB)

#### Sec. 102-772.0 – Intent

These will be mixed use districts with small businesses to support the adjacent neighborhoods and workplaces. The district **NB** is intended to enhance the visual character of the existing commercial corridors as well as to encourage site designs that promote pedestrian circulation, small urban parks and transportation alternatives along Marlboro Street. Some uses which are not retail or service in nature are also allowed so that a variety of uses may locate in existing buildings. Uses are restricted in size to promote a local scale and to limit adverse impacts on nearby residences. Development is intended to be pedestrian-oriented and compatible with surrounding residential areas. A mixture of uses side by side and in the same structure is to be encouraged. Location of parking is limited, since its appearance is generally out of character with the surrounding residential development.

- (1) Reduce the multiple impacts of automobile parking by limiting the number of spaces per parcel, avoiding large expanses of automobile parking lots facing the streets while providing safe, secure and convenient bicycle parking opportunities.
- (2) Utilize the construction of new and adaptive re-use of existing buildings as opportunities to create “outdoors rooms”, a critical element of “place making”; aiming for ratios of building facades to roadway widths from 1:2 to 3:2;
- (3) Utilize large street trees which also play an important role in creating a pedestrian scale. Pedestrian comfort being another critical element to the vitality of these new places being created;
- (4) Create walk and bike-friendly connections throughout the district and along streets.
- (5) Create an outdoor experience adjacent to buildings, different from the downtown.
- (6) Connect uses and buildings within the Neighborhood Business Districts through pedestrian and vehicular access, prioritizing pedestrian and bicycle access above vehicular access;

**Sec. 102-772.1 – Permitted Principal Uses – Any mixture of these primary uses is permitted:**

Permitted Use	Subject To:
Bed and Breakfast Inn/Tourist Home	
Bed and Breakfast with Meeting/Dining Facilities	Special Exception
Multi-Dwelling Unit, Multi-Family Structure	
Funeral Parlor	< 3,750SF
Nursery/Greenhouse, <del>Nursery</del>	< 5,000 SF
Health & Fitness Center	< 2,500 SF
Institutional Use: Health Care Facility, Hospital, Clinic, Nursing Home, Sanitarium, Convalescent Home, Home for the Aged, Private School, Place of Worship, Senior Center, Museum, Child Care Facility	Special Exception, Subject to conditions and limitations as specified in division 12 of article V of this chapter pertaining to institutional use.
Neighborhood Grocery Store	< <del>1,500SF</del> 3,500 SF
Nursery/Child Care Facility	< 3,000SF
Office, Professional	< <del>2,500 SF</del> < 5,000 SF
<del>Public</del> Historic Site	
Restaurant	< <del>4,000SF</del> < 3,500 SF
Retail Sales/Service	< <del>2,500SF</del> < 3,500 SF

**Comment [M10]: Revisions discussed at the September Jt. Comm. Mtg. with consensus on the shown changes:**

**#1 - Addition of both BED & BREAKFAST Principal Uses.**

**#2 - Addition of INSTITUTIONAL USES**

**#3 - TERM REVISIONS per the November and December Jt. Mtg. discussions on TERMS and DEFINITIONS.**

**Sec. 102-772.2 – General**

**(1) Sidewalk widths along Marlboro Street shall be no less than ten (10) feet and no greater than twenty (20) feet, depending on the highest volume of usage.**

**Sec. 102-772.2 – Density, Height, Dimensional Regulations**

MAXIMUM BUILDING HEIGHT - STORIES	MAX. BLDG. HT/STORIES (w/ 1st Floor Parking)	MINIMUM LOT SIZE	MINIMUM BUILDING SETBACKS	MINIMUM SETBACK between STRUCTURE & IMPERVIOUS /PAVED AREAS	MAXIMUM BUILDING SETBACK from FRONT PROPERTY LINE	MAXIMUM % OCCUPIED BY STRUCTURE	MAXIMUM % OF LOT IMPERMEABLE (Includes Structures & Paving)	MINIMUM LANDSCAPE BUFFER from STRUCTURES	MINIMUM % GREEN/OPEN SPACE
2	4	8,000 SF	5' Front	10'	10**	55	65	10' Front 10' Side 10' Rear	35

\*Minor deviations equal to a maximum of 33 percent of building frontage are permitted for parks, open space, patio space or such architectural features as recesses, niches, ornamental projections, entrance bays, or other articulations of the façade, unless otherwise prohibited by City Code.

**Comment [M11]: At the July Jt. Mtg.: regulating municipal sidewalk widths was deemed infeasible.**

**Comment [M12]: September Jt. Mtg. discussed Density, Height and Dimensional Regulations. Staff recommendations for the proposed NEIGHBORHOOD BUSINESS zoning district along Marlboro St.:**

**#1 – Discussion regarding the benefits of an additional floor for new building with the 1<sup>st</sup> floor parking led to clarification of ADDITIONAL building floor (4 from 3) with a 1<sup>st</sup> floor of parking under building.**

**#2 – Consensus on 4,400 SF MAXIMUM FOOTPRINT OCCUPIED BY STRUCTURE (55%) with additional 800 SF allowed IMPERMEABLE AREA (65%) for walkways and parking (if not 1<sup>st</sup> floor). This leaves 35% MINIMUM % GREEN/OPEN SPACE. The current INDUSTRIAL has no provision and HIGH DENSITY zoning districts requires 25%.**

~~Sec. 102-772.3 — Adaptive Re-Use Incentive Option~~

~~Project Incentives: Adaptive Reuse Projects that comply with the Development Standards are eligible for the following project incentives:~~

- ~~(1) The project can exceed the maximum density for the site provided the Adaptive Reuse Project is in compliance with the development standards.~~
- ~~(2) Existing building setbacks may remain and shall be considered legal nonconforming, but no further encroachments shall be permitted into any nonconforming setback.~~
- ~~(3) The height of the structure, if it exceeds the maximum height of the zoning district, may remain and shall be considered legal nonconforming, and any rooftop construction shall be included within the height exemption.~~
- ~~(4) A new loading zone shall not be required if the existing building does not have an existing loading zone.~~
- ~~(5) New parking spaces shall not be required for any converted use within the building, but any new square footage that includes any new units shall require additional parking at a minimum rate of 2 spaces per unit.~~

**Comment [M13]: Further internal staff discussions determined that this option would not satisfy current concerns regarding adequate parking provisions for new businesses.**

Sec. 102-772.3 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 *Zoning: Article XIV. Shared Parking with the Sustainable Energy Efficient Development (SEED) Overlay, Chapter 102-1450*.
- (2) **Parking shall be otherwise in conformance with Section 102-793, Minimum Parking Requirements of these regulations.**
- (3) **Parking lots shall be located at the rear of the building.**

**Comment [M14]: Additional provisions were suggested to address current concerns regarding adequate parking provisions for new businesses.**

Sec. 102-772.54-9 – Reserved

**3. That the Ordinances of the City of Keene, Article I, Section 102-2. Definitions, are amended by revising the following definitions to read as follows:**

~~Alteration - as applied to a building or structure, means a change or rearrangement in the structural parts, or in the exit facilities, or an enlargement, whether by extending on a side or by increasing in height, or the moving from one location or position to another.~~ **means any construction or renovation to an existing structure other than repair or addition. Applied to a building this means a change or rearrangement in the structural parts, and can include flood proofing or other modifications.**

**Comment [M15]: Joint Committee Mtgs. In November and December came to the following, noted decisions regarding revisions to terms and definitions. Additional terms and definition changes are anticipated as part of the Land Use Code Update Phase II.**

~~Area, Building—means the maximum horizontal cross section area of the main building and accessory structures on a lot. means the horizontal area measured within the outside of the exterior walls of the ground floor of all principle and accessory buildings on the lot. Areas of the building not provided with surrounding walls shall be included in the building area if such areas are included within the horizontal projection of the roof or floor above.~~

~~Attic, habitable—means an attic which has a permanent stairway as a means of access and egress, and in which the ceiling area at a height of at least seven feet four inches above the attic floor is not more than one-third the area of the floor next below.~~

Bed and Breakfast **with Meeting/Dining Facilities** – means a house or portion thereof where short term lodging rooms and meals are provided. The operator of the bed and breakfast shall live on the premises. **means a residential structure consisting of nine(9) or fewer bedrooms rented on a temporary, short term basis for overnight sleeping purposes. Said facility shall have common eating and living areas and provide on-site management on a twenty-four (24) hour basis. Breakfast shall be the only meal served and shall be served to registered guests only. Meals shall be served to registered guests only.**

Building – means a structure designed, built or occupied as a shelter or roofed enclosure for persons, animals or property. **Any structure used or intended for supporting or sheltering any use or occupancy.**

~~Building Height—means the vertical distance measured from the grade plane of the lot grade to the highest point of the roof, excluding chimneys, ventilators, tanks and other accessory features required above the roof. Also excluded are: towers, spires, domes and similar ornamental features, if not used for living purposes; barns, silos, and other farm buildings and structures required for agricultural purposes; and towers for transmission and communication lines, radio towers, fire towers, water towers and airplane beacons. to the average height of the highest roof surface as defined in the latest adopted version of the NH State Building Code, with the exception that grade plane shall refer to mean natural grade and not the finished ground level.~~

Dwelling, Unit – means a room or group of rooms located within a dwelling and forming a single habitable unit with facilities which are used or intended to be used for living, sleeping, cooking and eating. Also, a room or group of rooms within a group home, with or without cooking and eating facilities occupied by not more than two persons. **means a single unit providing complete, independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking and sanitation. Structure types:**

~~**A. Accessory Dwelling Unit: A dwelling unit, for use as a complete independent living facility, located on the same zoning lot as a detached single family or attached single family dwelling. The second unit is created auxiliary to, and is always smaller than the detached single family or attached single family dwelling.**~~

~~**B. Attached Duplex: A duplex located on its own lot, which shares one or more common or abutting walls with one other duplex.**~~

~~C. **Attached Single Family Dwelling:** A dwelling unit, located on its own lot, that shares one or more common or abutting walls with one or more dwelling units; does not share common floor/ceilings with other dwelling units. As attached single family dwelling is also called a townhouse, rowhouse or a common wall house on a fee simple lot.~~

~~D. **Attached Multi-Family Dwelling:**—more than three (3) units on a lot.~~

A. ~~**Detached Dwelling, Single Family Dwelling**~~ - means a building used and intended to be used as a single habitable unit for one family, with facilities used or intended to be used for living or sleeping, and including facilities for cooking and eating. **detached dwelling unit located on its own lot, designed for, or intended to be occupied by one family.**

~~B. Dwelling, Duplex/**Two-Family Dwelling**, means a building or structure limited to two individual dwelling units. a building or portion thereof designed, occupied or intended for occupancy a complete, independent living facility for the exclusive use of one family, including permanent full provisions for sleeping, eating, cooking and sanitation. A dwelling unit shall have no more than one kitchen and shall provide complete internal access to all rooms in the unit. Buildings with more than one set of cooking facilities are considered to contain multiple dwelling units unless the additional cooking facilities are clearly incidental and accessory, such as an outdoor grill or a wet bar. means one building designed, occupied or intended for occupancy by two separate families; each a complete, independent living facility with separate, permanent, full provisions for sleeping, eating, cooking and sanitation. Each of the two dwelling units shall provide complete internal access to all rooms in the unit~~

~~C. **Manufactured housing Home:** means any structure, transportable in one or more sections, which in the traveling mode, is eight body feet or more in width and 40 body feet or more in length, or when erected on site, is 320 square feet or more, and which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to required utilities, which include plumbing, heating, and electrical heating systems contained therein. Manufactured housing as defined in this section shall not include campers or recreation vehicles as defined in RSA 216-I:1 or RSA 259:84-a; presite built housing as defined in RSA 674:31-a; or modular buildings as defined in RSA 205-C:1, XI.~~

~~A factory built, single family structure that is manufactured under the authority of 42 U.S.C. Sec. 5401, the National Manufactured Home Construction and Safety Standards Act, that is transportable in one or more sections, is built on a permanent chassis, is designed to be used as a year-round, permanent, single family dwelling, with or without a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air conditioning, and~~

~~electrical systems contained in the structure; but which is not constructed with a permanent hitch or other device allowing transport of the unit other than for the purpose of initial delivery to a permanent site, and which does not have wheels or axles permanently attached to its body or frame. This definition does not include a recreational vehicle, mobile home, or modular home.~~

C. Dwelling, multifamily **Multi-Dwelling Structure:** A structure that contains ~~means a building containing three or more dwelling units~~ **that share common walls or floor/ceilings with one or more units. The land underneath the structure is not divided into separate zoning lots. Buildings with more than one set of cooking facilities are considered to contain multiple dwelling units unless the additional cooking facilities are clearly incidental and accessory.; ~~such as an outdoor grill or a wet bar.~~**

~~Hotel/Motel~~ shall mean a building or group of buildings which provides sleeping accommodations on a transient basis, with or without meals, but without separate cooking facilities for individual occupants. ~~means a building or group of detached or connected buildings, containing six or more guest rooms, designed or used primarily for providing sleeping accommodations for travelers and/or tourists on a daily or weekly rate basis or a period less than six months. Such establishments shall provide customary hotel/motel services such as linen, maid service, communication service, etc. Said use may also contain such ancillary facilities as conference facilities, restaurant, bar, recreational facilities, ballroom, banquet room and meeting rooms.~~

~~Manufacture/Manufacturing~~ — means the act of making goods or articles from raw materials or unfinished products and includes processing and assembling. ~~means the processing, assembling, and/or converting of raw, unfinished materials or products into articles or substances of different character, or for a different purpose.~~

Mixed-use **Development** – means a combination of different permitted uses within a single building lot.

Nursery/Child Care Facility – means a place where seven or more preschool children are cared for temporarily in their parents' absence. This is not intended to prohibit the care of school-age children temporarily in their parents' absence. ~~means an establishment, licensed under the provisions of NH state law, for the care and supervision of a person or child away from the person or child's home and apart from the person or child's family.~~

~~**Day Care Center:** A facility with provides care, protection and supervision of people for a period of less than 24 hours for more than five people unrelated to the operator, which is licensed under the provisions of NH RSA 170-E:34,I. See also Day Care, Family.~~



~~**Day Care, Family:** Family day care home means an occupied residence in which care is regularly provided for people from at least two unrelated families and which receives a payment, fee or grant for any of the people receiving care, whether or not operated for profit. A family day care home shall be allowed to provide care for five or fewer persons, which shall include those people under 13 years of age who are related to the caregiver.~~

~~Nursery/Greenhouse – means a place where plants are raised or grown.~~ **means an enterprise that conducts the retail and/or wholesale business of plants grown on the premises, as well as accessory items directly related to their care and maintenance.**

~~Open Space—means land within or related to a conservation residential development, which is set aside for conservation purposes, in accordance with section 102.289. Open space is subject to use limitations as set forth in section 102.288(4) and is intended for the common use, benefit and enjoyment of the residents of the conservation residential development and/or the general public. Open space may be held jointly by the owners of other lands in the conservation residential subdivision, a developer prior to completion of a conservation residential subdivision development, a homeowner's association, the city, or a third party conservation organization.~~ **means land intended to remain undeveloped for use as active or passive recreation areas or for resource protection.**

~~Recreation Area—means an area designed primarily for activities, either active or passive, normally considered as recreation.~~ **means a parcel of land for the refreshment of body and mind through forms of play, amusement, or relaxation. The recreational experience may be active, such as boating, fishing, and swimming, or may be passive, such as enjoying the natural beauty of a property or its wildlife. (Term is currently used in Div. 3 Conservation Residential Development Sec. 102-272 Permitted uses)**

~~Research and Development Laboratory – means a place devoted to activities engaged in refinement, investigation or experimental study of methods to improve processes or products. Manufacturing of products is not included within this definition.~~ **means a structure or complex of structures designed or used primarily for research development functions. related to industry and similar fields of endeavor that do not involve the mass manufacture, fabrication, processing, or sale of products.**

~~Restaurant—means any place where food or drink is prepared or served to the public for consumption on the premises. The term "food" includes beverages.~~ **means a structure in which the primary use in the preparation, cooking, consumption and sale of food and beverages.**

4. That the Ordinances of the City of Keene, Article I, Section 102-2. Definitions, are amended by removing the following definitions:

~~Commercial Lots means any parking lot that provides parking for nonresidential uses or for multi-family dwelling units, defined here as any structures containing more than two dwelling units.~~

~~Dwelling, duplex, means a building or structure limited to two individual dwelling units.~~

~~Dwelling, multifamily structure, means a building containing three or more dwelling units.~~

~~Dwelling, single-family, means a building used and intended to be used as a single habitable unit for one family, with facilities used or intended to be used for living or sleeping, and including facilities for cooking and eating.~~

~~Motel shall mean a building or group of buildings with direct access to each unit from the outside, and with an on-site parking space for each unit, which provides sleeping accommodations primarily for transients traveling by motor vehicle, with or without meals and/or cooking facilities for individual occupants.~~

~~Mixed-use means a combination of different permitted uses within a single building or lot.~~

5. That the Ordinances of the City of Keene, Section 102-2. Definitions, are amended by **adding** the following definitions:

~~**Bar**—means any establishment devoted primarily to the selling, serving and drinking of alcoholic beverages.~~

**Bed and Breakfast Inn/Tourist Home** – An owner or operator-occupied single-family detached dwelling unit which contains no more than one kitchen and five (5) or fewer guest rooms intended or designed to be used, or which are used, rented or hired out to be occupied or which are occupied for sleeping purposes by guests, other than temporary personal guests of the family in the dwelling unit, for compensation with or without meals.

~~**Commercial Parking Lots**—Premises designed and used exclusively for the parking of motor vehicles for a fee. Or a parking lot for a building to be approved by the Planning Board.~~

~~**Exterior Storage**—Includes the outdoor storage of goods that generally have little or no differentiation by type. The goods may be for sale or lease, but if so, they are the types that customers generally do not inspect and compare. Exterior storage includes the storage of raw or finished goods (packed or bulk), including gases, oil, chemicals, gravel; building materials, packing materials; salvage goods; machinery, tools, and equipment; and other similar items. Examples are lumberyards, tool and equipment rental, bark chip and gravel sales, and storage of goods used in manufacturing. Damaged or inoperable motor vehicles or motor vehicles that have missing parts that are kept outside are included as exterior storage. The storage of motor vehicles that do not have any missing parts or damage that is visible from the outside of the vehicle is considered parking rather than exterior storage. The storage of motor vehicles that have minor dents or other minor defects in the body is also considered parking rather than storage if the motor vehicle is in working order. See also Exterior Display.~~

**Exterior Display** – Is an outdoor showroom for customers to examine and compare products and includes the outdoor display of products, vehicles, equipment and machinery for sale or lease. The display area does not have to be visible to the street. Examples of uses that often have exterior display are motor vehicles and boat sales, and plant nurseries. Outdoor display of vehicles is separate from required parking spaces under the zoning ordinance. This does not include goods that are being stored or parked outside. It does not include damaged motor vehicles, vehicles or equipment being serviced, and other similar products. ~~See also Exterior Storage.~~

**Impervious Surfaces** – Those surfaces and development features on a lot which are non-porous and which substantially prevent rain or storm water from absorbing or percolating into the ground beneath them. Impervious surfaces include, but are not limited to: roof areas, structures, patios, sidewalks, driveways, parking areas, swimming pools and other development features surfaced with non-porous materials.

~~**Mixed-Use Development**—A development on one zoning lot that combines uses with commercial and/or office uses, consisting of one or more buildings.~~

**Neighborhood Grocery Store** – Establishments primarily engaged in the provision of frequently or recurrently needed food for household consumption, such as prepared food, beverages, limited household supplies and hardware, less than or equal to ~~1,500~~ 3,500 square feet.

**Porous Surface** – A surface that presents an opportunity for precipitation to infiltrate (soak) into the ground.