



City of Keene  
*New Hampshire*

**PLANNING, LICENSES AND  
DEVELOPMENT COMMITTEE  
AGENDA  
Council Chambers A  
October 11, 2017  
7:00 PM**

David C. Richards  
Philip M. Jones  
George S. Hansel  
Robert B. Sutherland  
Bartlomiej K. Sapeta

- 
1. Donna Forte - Application for a Lodging House License - 57 Winchester Street
  2. Relating to Accessory Dwelling Units  
Ordinance O-2017-10-A
  3. Relating to the Establishment of a Business Growth and Reuse District, a Neighborhood Business District and a Residential Preservation District  
Ordinance O-2016-01-C

Non Public Session  
Adjournment



City of Keene, N.H.  
*Transmittal Form*

October 3, 2017

**TO:** Mayor and Keene City Council

**FROM:** Donna Forte

**THROUGH:** Patricia A. Little, City Clerk

**ITEM:** 1.

**SUBJECT:** Donna Forte - Application for a Lodging House License - 57 Winchester Street

---

**COUNCIL ACTION:**

In City Council October 5, 2017.

Referred to the Planning, Licenses and Development Committee.

**ATTACHMENTS:**

Description

Application for Lodging House License

**BACKGROUND:**

The property at 57 Winchester Street has been sold. This property was previously granted a lodging house license, which is not transferrable to the new owner.



**APPLICATION FOR OPERATION OF A LODGINGHOUSE**

(Please print or type)

pd ✓  
#5000  
JC  
9/12/17

Date 08/30/2017 Location of Lodginghouse 57 Winchester St.

Identify local or national Fraternity or Sorority that members are pledged to (if applicable) \_\_\_\_\_

Property Owner Donna Forte Business Phone 603 724-4138

Address 319 Sugar Hill Hopkinton NH 05229 Home Phone 603 903 4078

Operator/Resident Agent Brianna Blasser Business Phone 603 724-4138

Address 23 Ralston St Keene NH Home Phone \_\_\_\_\_

Number of Persons Authorized to reside on premises 16

**I hereby certify that the information listed above is complete and accurate:**

Donna J Forte  
Signature of Property Owner

Donna J Forte  
Name (Printed or Typed)

Brianna Blasser  
Signature of Operator/Resident Agent

Brianna Blasser  
Name (Printed or Typed)

**I hereby certify that the above named Sorority or Fraternity is duly recognized by Keene State College, and is in good standing with the College:**

\_\_\_\_\_  
Signature of College Representative

\_\_\_\_\_  
Name and Title (Printed or Typed)

*(For Office Use Only)*

Date Received Sept. 16, 2017 Action Taken \_\_\_\_\_

**Recommendations/Requirements**

Police \_\_\_\_\_

Fire \_\_\_\_\_

Code Enforcement \_\_\_\_\_

In City Council October 5, 2017.  
Referred to the Planning, Licenses and Development Committee.

\_\_\_\_\_  
City Clerk

Patricia C. [Signature]  
City Clerk



# CITY OF KEENE

Seventeen

In the Year of Our Lord, Two Thousand and .....  
Relating to Chapter 102 – Zoning Ordinance – Accessory Dwelling Unit

AN ORDINANCE .....

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

That the Ordinances of the City of Keene, as amended, are hereby further amended by removing the stricken text and inserting the bolded text in Section 102-896 Accessory Dwelling Unit, Section 102-302 Permitted Uses, Section 102-332 Permitted Uses, Section 102-362 Permitted Uses, Section 102-372 Permitted Uses, Section 102-392 Permitted Uses, Section 102-422 Permitted Uses, Section 102-452 Permitted Uses and Section 102-602 Permitted Uses of Chapter 102, entitled “Zoning Ordinance” as follows:

Sec. 102-896. - Accessory dwelling unit.

**Attached** ~~A~~ accessory dwelling units are permitted **in within or attached to single family dwellings in the Agriculture**, the Rural, the Low density, ~~and the Low density-1,~~ **Medium density, High density, High density-1 and Office** districts. ~~as a conditional use permit~~ **Detached accessory dwelling units are permitted on single family dwellings lots in the agriculture and rural districts** subject to the following conditions:

- (1) Only one accessory dwelling unit shall be permitted per lot.
- (2) The record property owner shall occupy either the primary dwelling unit or the accessory dwelling unit as his or her primary residence (hereinafter "owner occupancy"). The property owner shall submit an affidavit in support of ~~conditional use a~~ **building** permit for **an** accessory dwelling unit to the ~~planning board~~ **code enforcement department** with his or her application ~~for conditional use permit,~~ stating under oath that he or she satisfies the owner occupancy requirement of this subsection. ~~In addition, within 90 days of a transfer of title to any property subject to the terms and conditions of a conditional use permit for an accessory dwelling unit, the successor property owner shall submit to the planning department an affidavit in support of conditional use permit for accessory dwelling unit, stating under oath that he or she satisfies the owner occupancy requirement of this subsection.~~

- a. The term "primary residence" for purposes of determining owner occupancy shall mean the location where the property owner is domiciled and has a place of abode, and the location where the property owner has, through all of his or her actions, demonstrated a current intent to designate said residence as his or her principal place of physical presence. Such an intent on the part of the property owner is evidenced by, among other things, his or her voter's registration, vehicle registration, driver's license, or the placement of his or her children in local public schools. Any temporary lapse of owner occupancy in the primary residence caused by the death of a property owner shall be permitted for a reasonable period of administration.
  - b. If the owner of the property is a trust, the term "property owner" shall mean the creator or beneficiary of the trust.
  - c. If the owner of the property is a corporation, the term "property owner" shall mean ~~the principal~~ **a stockholder of the corporation; if the owner of the property is a limited liability corporation, then the "property owner" shall mean a member of the limited liability company.**
- (3) There shall be no more than two bedrooms in an accessory dwelling unit.
- (4) **Floor area.**
- a. An **attached** accessory dwelling unit shall have a minimum floor area of 400 square feet but, in no case, shall the floor area ~~comprise more than 30 percent of the gross floor space of the primary single family dwelling~~ **be more than 800 square feet.**
  - b. A **detached dwelling unit shall have a minimum floor area of 400 square feet but, in no case, shall the floor area be more than 50 percent of the gross floor space of the primary single family dwelling or more than 1000 square feet.** An accessory dwelling unit shall comply with the city's housing and building codes.
- (5) Public water and sewer shall be required for all accessory dwelling units ~~located within the low density and low density 1 district. Accessory dwelling units created in the rural district~~ **or in the absence of public sewer**, shall have state septic system plan approval prior to the issuance of a building permit.
- (6) A scaled and dimensional plot plan of the property shall be submitted as part of the ~~conditional use~~ **building** permit application ~~to the planning board.~~ This shall show the location and number of required parking spaces, driveway and paving, buildings building setbacks, utilities, fences, buffer yard and any other relevant features of the site.
- (7) Parking at an accessory dwelling unit shall be restricted to the required parking spaces as shown on the plan. No more than two parking spaces shall be permitted

for an accessory dwelling unit, and all parking provided for the accessory dwelling unit shall in accordance with section 102-794 of the zoning ordinance.

- (8) Shared driveways for both the primary single-family dwelling unit preexisting conditions, no more than one driveway access is permitted to each residential lot as required by the City Code.
- ~~(9) All dimensional requirements for the respective zoning district shall be observed.~~
- ~~(10) The minimum lot size for creating an accessory dwelling unit in the low density district shall be 13,400 square feet. The minimum lot size for creating an accessory dwelling unit in the low density 1 district shall be calculated by increasing the minimum lot area as designated by section 102-791, table Basic rural dimensional requirements, by 30 percent. The minimum lot size for creating an accessory dwelling unit in the rural district shall remain five acres.~~
- ~~(11)~~**(9)**—Adequate notice in acceptable legal form for recording at the registry of deeds shall be duly executed by the owner of record identifying the property on which the accessory dwelling unit is located by source deed and stating the date and conditions of approval (if any) of the conditional use permit sufficient to notify successor owners that the accessory dwelling unit is subject to the city's zoning ordinance and the conditional use permit issued by the planning board. This notice shall be reviewed by the superintendent of code enforcement and the ~~planning director~~ **zoning administrator** for acceptable form, and upon signature, it shall be recorded at the registry by the property owner. Evidence of recording shall be submitted to the superintendent of code enforcement and the planning director prior to the issuance of a building permit.
- ~~(12) A finding by the planning board that the proposed accessory dwelling unit will not result in a decrease in value of surrounding properties.~~

- **Sec. 102-302. - Permitted uses.**

Permitted uses in the agriculture (A) district are as follows:

Permitted Use	Subject to the Following:
<b>Accessory dwelling unit</b>	<b>Subject to conditions and limitations as specified in section 102-896.</b>
Agricultural-related educational and recreational activity as a business limited to: riding trails; riding stable; day camp; picnic area; hayrides; sleigh rides; nature study area; animal husbandry displays and demonstrations; petting farm	Special exception. Subject to division 2 of article VI of this chapter pertaining to performance standards for agricultural-related educational and recreational activity

containing traditional state farm animals; museum related to agriculture, functions for nonprofit fundraising, farm products, and accessory agricultural and natural resource related uses	as a business, and <u>section 102-37</u> pertaining to special exceptions by the zoning board of adjustment.
Bed and breakfast inn	Special exception. Parking: must provide one off-street parking space for each room to be rented in addition to parking spaces required for residence.
Dwelling, single-family	Condition: ten-acre minimum lot.
Dwelling, single-family or dwelling, duplex	Special exception. Permitted as an accessory use to farming with occupancy restricted to farm owner, family, and/or employees.
Farming, including but not limited to such accessory uses as: storage of trucks and other farm vehicles; sale of garden supplies; bulk processing of feed, milk or other farm products, either for use on the premises or for sale; sawmill, blacksmith shop, bulk fuel storage	
Greenhouses or nurseries for raising of flowers and other horticultural products, including raising of such products for sale on the premises	
Harvesting of forestry products	
Historic site open to the public	
Home occupation incidental to the main residential use	Condition: See division 5 of article V of this chapter pertaining to home occupations.
Institutional use	Special exception. Subject to conditions and limitations as specified in division 12 of article V of this chapter pertaining to institutional use.
Noncommercial greenhouses for raising of flowers and other horticultural products incidental to main use only	

Noncommercial outdoor/recreational activity	Traffic: Primary access must be via an arterial street, except by special exception. Noise: Cannot exceed 65 dBA measured at the property line. Fumes/odors: No dust, odors, and/or fumes may escape the boundaries of the property.
Noncommercial raising of animals and/or farm products	
Orchards and vineyards	
Outdoor recreational activity as a business	Subject to conditions outlined in division 3 of article VI of this chapter pertaining to outdoor recreation performance standards, and site plan review.
Raising and selling of farm animals and/or products	

- **Sec. 102-332. - Permitted uses.**

Permitted uses in the rural (R) district are as follows:

Permitted Use	Subject to the Following:
Accessory dwelling unit	CUP, sSubject to conditions and limitations as specified in <a href="#">section 102-896</a> .
Bed and breakfast inn	Special exception. Parking: Must provide one off-street parking space for each room to be rented in addition to parking spaces required for residence.
Cemetery	
Dwelling, single-family	
Gravel pits	Special exception. Traffic: Primary access must be via an arterial street. Fumes/odors: No dust, odors, and/or fumes may escape boundaries of property. Also see <a href="#">chapter 54</a> pertaining to natural resources protection.



Greenhouses or nurseries for raising of flowers and other horticultural products, including raising of such products for sale on the premises	
Group home	<p>Utilities: City sewer and water required.</p> <p>Buffer: A continuous 50-foot wide area measured from the property line in which no buildings, parking lots or roads are permitted, except for authorized curb cuts, and in which all utilities must be underground.</p> <p>Minimum setback: 75 feet rather than 50 feet for front, side and rear property lines.</p> <p>Parking: Minimum of one-half space per unit.</p>
Harvesting of forestry products	
Historic site open to the public	
Home occupation incidental to main residential use	Condition: See division 5 of article V of this chapter pertaining to home occupations.
Institutional use	Special exception. Subject to conditions and limitations as specified in division 12 of article V of this chapter pertaining to institutional use.
Kennel	<p>Traffic: Primary access must be via an arterial street.</p> <p>Noise: Cannot exceed 65 dBA measured at the property line.</p> <p>Fumes/odors: No dust, odors, and/or fumes may escape boundaries of property.</p>
Manufactured housing park and manufactured housing subdivisions	
Noncommercial outdoor recreation activity	<p>Traffic: Primary access must be via an arterial street, except by special exception.</p> <p>Noise: Cannot exceed 65 dBA measured at the property line.</p> <p>Fumes/odors: No dust, odors, and/or fumes may escape the boundaries of the property.</p>
Orchards and vineyards	
Outdoor recreational activity as a business	Subject to conditions outlined in division 3 of article VI of this chapter pertaining to outdoor recreation performance standards, and site plan review.
Raising and selling of farm animals and/or	

products	
Towers for transmission, communication, and/or cellular telephone transmission	Special exception.
Veterinary establishment	Traffic: Primary access must be via an arterial street. Noise: Cannot exceed 65 dBA measured at the property line. Fumes/odors: No dust, odors, and/or fumes may escape boundaries of property.

- **Sec. 102-362. - Permitted uses.**

Permitted uses in the low density (LD) district are as follows:

Permitted Use	Subject to the Following:
Accessory dwelling unit	CUP, sSubject to conditions and limitations as specified in section 102-896.
Dwelling, single-family	
Group home	Special exception.
Harvesting of forestry products	Special exception.
Historic site open to the public	
Home occupation incidental to main residential use	Condition: See division 5 of article V of this chapter pertaining to home occupations.
Institutional use	Special exception. Subject to conditions and limitations as specified in division 12 of article V of this chapter pertaining to institutional uses.
Noncommercial raising of farm animals	

- **Sec. 102-372. - Permitted uses.**

Permitted uses in the low density-1 (LD-1) district are as follows:

<i>Permitted use</i>	<i>Subject to the following:</i>
Accessory dwelling unit	€UP, sSubject to conditions and limitations as specified in section 102-896.
Dwelling, single-family, detached	
Group home	Special exception.
Harvesting of forest products	Special exception.
Historic site open to the public	
Home occupation incidental to the main use	Condition: See division 5 of article V of this chapter pertaining to home occupations.
Noncommercial raising of farm animals	

• **Sec. 102-392. - Permitted uses.**

Permitted uses in the medium density (MD) district are as follows:

Permitted Use	Subject to the Following:
<b>Accessory dwelling unit</b>	<b>Subject to conditions and limitations as specified in section 102-896.</b>
Dwelling, multifamily	Condition: Maximum of three dwelling units per lot.
Dwelling, single-family	
Dwelling, duplex	
Group home	Special exception.
Historic site open to the public	
Home occupation incidental to main residential use	Condition: See division 5 of article V of this chapter pertaining to home occupations.

Institutional use	Special exception. Subject to conditions and limitations as specified in division 12 of article V of this chapter pertaining to institutional uses.
Noncommercial raising of farm animals	

• **Sec. 102-422. - Permitted uses.**

Permitted uses in the high density (HD) district are as follows:

Permitted Use	Subject to the Following:
<b>Accessory dwelling unit</b>	<b>Subject to conditions and limitations as specified in section 102-896.</b>
Bed and breakfast with meeting and dining facilities	Special exception.
	1. Access required from a street no more than one street removed from a state highway.
	2. Maximum of 60 people or eight times the number of bedrooms, whichever is less.
	3. Must provide on-site parking of two spaces for permanent resident, plus one space per guest bedroom, plus one space per 1.5 people using meeting and dining facilities.
	4. Attendance by registered guests, invited guests or participants in functions/meetings only. Dining facilities are not open to the public.
	5. A semiannual special license will be required for any activity involving more than 60 people. No more than 100 people will be allowed per special event during the period of the special license. Application for a special license is to be filed with the city clerk and shall require approval by the departments of police, fire and code enforcement. For each special license, the city shall determine hours of operation, parking requirements, traffic control and special requirements deemed necessary for public safety.
	6. Hours of operation for outside activities shall be restricted to 8:00 a.m. to 10:00 p.m.

	7. Five-acre minimum site required.
Bed and breakfast inn/tourist home	Special exception. Parking: Must provide one off-street parking space for each room to be rented in addition to parking spaces required for residence.
Boardinghouse/lodginghouse	Special exception.
Dwelling, duplex	
Dwelling, multifamily	
Dwelling, single-family	
Fraternity/sorority	Special exception.
Group home	
Historic site open to the public	
Home occupation incidental to main residential use	Condition: See division 5 of article V of this chapter pertaining to home occupations.
Institutional use	Special exception. Subject to conditions and limitations as specified in division 12 of article V of this chapter pertaining to institutional uses.
Neighborhood grocery stores	Special exception.
Senior center	

- **Sec. 102-452. - Permitted uses.**

Permitted uses in the high density-1 (HD-1) district are as follows:

Permitted Use	Subject to the Following:
<b>Accessory dwelling unit</b>	<b>Subject to conditions and limitations as specified in section 102-896.</b>

Bed and breakfast with meeting and dining facilities	Special exception. See section 102-422 pertaining to performance standards, high density.
Dwelling, duplex	
Dwelling, multifamily	
Dwelling, single-family	
Group home	
Institutional use	Special exception. See division 12 of article V of this chapter pertaining to institutional uses.

• **Sec. 102-602. - Permitted uses.**

Permitted uses in the office (O) district are as follows:

Permitted Use	Subject to the Following:
	Condition: All development, redevelopment, additions, and renovations in this zone are to maintain the look and feel of a residential zone or area. This is to be accomplished by the following:
	1. All changes are subject to the city site plan regulations.
	2. Specifically prohibited are concrete block exteriors, flat roofs, and rooftop HVAC equipment.
	3. All dumpsters must be located at the rear of the building, be enclosed or screened and not visible from the street. Exempt from this requirement are dumpsters temporarily located on a site during construction when a building permit has been issued.
	4. No parking and/or paving, except driveways, is permitted in the front setback or the area from the front lot line to the building front, whichever is greater.
	5. When a site is altered, requiring submittal of a site plan, there is to be provided a four-foot-high fence and/or landscape screen between all

	paving/driveways/parking and directly abutting residential property.
<b>Accessory dwelling unit</b>	<b>Subject to conditions and limitations as specified in section 102-896.</b>
Bed and breakfast/inn, tourist home	
Dwelling, duplex	
Dwelling, multifamily	
Dwelling, single-family	
Funeral parlor	
Historic site open to the public	
Home occupation	See division 5 of article V of this chapter pertaining to home occupations.
Institutional use	Special exception. Subject to conditions and limitations as specified in division 12 of article V of this chapter pertaining to institutional uses.
Nursery or child care facility	Special exception.
Office	
Parking area (lot)	Special exception.
Private club, lodge or fraternal activity where primary function is indoors	Special exception. Traffic: Primary access must be via an arterial street.
Senior center	

---

Kendall W. Lane, Mayor

In City Council September 7, 2017.  
Public Hearing set October 5, 2017 at 7:00 PM.

A handwritten signature in cursive script that reads "William S. Dow".

Deputy City Clerk





# CITY OF KEENE

O-2016-01-C

Sixteen

In the Year of Our Lord Two Thousand and .....  
Relating to the Creation of a Residential Preservation District, a Business Growth

AN ORDINANCE .....and Re-Use District and a Neighborhood Business District.....

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

That the Ordinances of the City of Keene, as amended, are hereby further amended by inserting the bolded text and deleting the stricken text, as follows:

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 create an additional downtown zoning district to provide and/or re-create a neighborhood of residential properties that prioritizes family units. The district 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)	< 800 SF
Bed & Breakfast Inn/Tourist Home	
Bed & Breakfast w-Meeting/Dining Facilities	Special Exception
Single-Family Dwelling	
Noncommercial Raising of Farm Animals	
Nursery/Child Care Facility	< 2,500 SF

Sec. 102-770.3 – Density, Height, Dimensional Regulations – refer to Table 1 in Sec. 102-791 Basic Zone Dimensional Requirements.

Sec. 102-770.4 -5 - Reserved

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

Sec. 102-771.0 – Intent

The intent of this section is to create an additional downtown zoning district to enhance the economic vitality of the area by re-developing with new technology companies as well as clean manufacturing, processing, assembling and wholesaling businesses within a walkable, human-scaled place. The district provides 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 offers Smart Growth opportunities. Creative development is encouraged alongside the Beaver Brook corridor, utilizing Keene’s environmentally-progressive planning policies and adaptive re-use tradition:

- 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) Recognize the role of large street trees which plays 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 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:

Permitted Use	Subject to:
Assembly	Any one use may occupy no more than 30,000 gross square feet of floor space. Special exception subject to criteria for > 30,000 square feet.
Bed and Breakfast Inn/Tourist Home	
Bed and Breakfast with Meeting/Dining Facilities	
Bulk Storage & Distribution of Goods, Accessory to Main Manufacturing Use	Any one use may occupy no more than 30,000 gross square feet of floor space. Special exception subject to criteria for > 30,000 square feet.
College: Undergraduate, Graduate and Industrial Training Programs	Any one use may occupy no more than 30,000 gross square feet of floor space. Special exception subject to criteria for > 30,000 square feet.
Health & Fitness Center	Special Exception required for all outdoor activities. Accessory use only.
Historic Site	
Home Occupation/Live-Work	
Home Offices (Insurance/Publishing Companies, Manufacturing Firms)	
Manufacturing/Processing	Any one use may occupy no more than 30,000 gross square feet of floor space. Special exception subject to criteria for > 30,000 square feet.
Mixed-Use Development	
Multi-Dwelling Structure	Special condition: mixed use only when connected to a commercial or industrial use.
Neighborhood Grocery Store	< 3,500 SF
Nursery/Greenhouse	
Office, Small Scale Corporate, Business or Professional Purposes	Any one use may occupy no more than 20,000 gross square feet of floor space. Special exception subject to criteria for > 20,000 square feet.

Repair Garage	Condition: All outside vehicles must be screened from view by a minimum six-foot-high impervious fence or hedge
Research & Development Laboratory	Any one use may occupy no more than 30,000 gross square feet of floor space. Special exception subject to criteria for > 30,000 square feet.
Restaurant	As distinguished from a bar and less than 50 seats.
Warehousing	Any one use may occupy no more than 30,000 gross square feet of floor space. Special exception subject to criteria for > 30,000 square feet.
Wholesaling	Any one use may occupy no more than 30,000 gross square feet of floor space. Special exception subject to criteria for > 30,000 square feet.

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.
- (3) For ecological and aesthetic reasons, the City encourages Beaver Brook’s Floodway, i.e. “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 walking and bicycling trail connection along this Floodway 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, or
- (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 Regulations – refer to Table 1 in Sec. 102-791 Basic Zone Dimensional Requirements.

- (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) 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) 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.

Sec. 102-771.5 - 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 Parking 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.

Table II: Parking Calculations for Incentive Eligible Projects within the Business Growth & Re-Use 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. 102-771.6-.9 – Reserved

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

Sec. 102-772.0 – Intent

The intent of this section is to create an additional downtown zoning district that allows mixed-use development of small businesses to support the adjacent neighborhoods and workplaces. The district 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 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:
Accessory Dwelling Unit (ADU)	< 800 SF
Bed and Breakfast Inn/Tourist Home	
Bed and Breakfast with Meeting/Dining Facilities	Special Exception
Duplex /Two Family Dwelling	
Funeral Parlor	< 3,750SF
Health & Fitness Center	< 2,500 SF
Historic Site	
Home Occupation/Live- Work	
Mixed-Use Development	
Multi-Dwelling Structure	
Neighborhood Grocery Store	< 3,500 SF
Nursery/Greenhouse	< 5,000 SF
Nursery/Child Care Facility	< 3,000SF
Office, Professional	<5,000 SF
Restaurant	<3,500 SF
Retail Sales/Service	<3,500 SF
Single Family Dwelling	

Sec. 102-772.2 – Density, Height, Dimensional Regulations – refer to Table 1 in Sec. 102-791 Basic Zone Dimensional Requirements.

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.

Sec. 102-772.4-9 – 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 - 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.

Bed and Breakfast with Meeting/Dining Facilities – 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. Meals shall be served to registered guests only.

Building – means any structure used or intended for sheltering any use or occupancy.

Dwelling, Unit – 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:

Single Family Dwelling - means a detached dwelling unit located on its own lot, designed for, or intended to be occupied by one family.

Duplex/Two-Family Dwelling - 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

Multi-Dwelling Structure – means a structure that contains 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.

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

Nursery/Child Care Facility – means an establishment, licensed under the provisions of NH state law, for the care and supervision of a child away from the child’s home and apart from the child’s family.

Nursery/Greenhouse – 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.

Research and Development Laboratory – means a structure or complex of structures designed or used primarily for research development functions.

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

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.

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, 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.

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.

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; in a space that is less than or equal to 3,500 square feet.

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

5. That the Ordinances of the City of Keene, Section 102-791. Basic Zone Dimensional Requirements Table is amended by adding the aforementioned zoning districts and dimensional requirements:

Proposed Addition to Keene's Basic Zone Dimensional Requirements; Table 1, Sec. 102-791, of Three, New Marlboro Street Zoning Districts

	Zones																				
	C	A	R	LD	LD-1	MD	HD	HD-1	CB	CBL	COM	CL	O	I	IP	IPL	CP	HC	RP	BGR	NB
Maximum building height (in stories above grade not including habitable attics)	2	2	2	2	2	2	2	3	4 (b)	4	2 (b)	2	2	2 (b)	2 (b)	2	N/A	4	2	2	2
Maximum building height (in feet)	35	35	35	35	35	35	35	50	55 (b), (l)	55	35 (b)	35	35	35 (b)	35 (b)	50	60	55			
Maximum building height w/ 1st floor parking only																				4	4
Maximum building height for Incentive-Eligible Projects																					3
Maximum building height for Incentive-Eligible Projects w/ 1st floor parking only																					5
Minimum lot area	5 acres	10 acres (i)	5 acres (a), (e)	10,000 sf	1 acre(p)	8,000 sf	6,000 sf	2 acres	None	10,000 sf	15,000 sf	20,000 sf	8,000 sf	None	4 acres	5 acres	2 acres	2 acres	8,000 SF	8,000 SF	8,000 SF
Minimum lot area for Incentive-Eligible Projects																					None
Minimum lot area per dwelling unit	n/a	10 acres (i)	5 acres	10,000 sf	1 acre(p)	5,400 sf (k)	5,000 sf (k)	3,000 sf	n/a	n/a	n/a	n/a	5,400 sf (k)	n/a	n/a	n/a	n/a	n/a	n/a	5,400 SF	
Allowable Dwelling Units																				2	
Minimum lot width at building line (in feet)	200	200	200	70	75	60	50	150	None	None	None	100	60	None	None	200	200	50	60		
Minimum front setback (in feet)	50	50	50	15	15	15	15	50	None	20	20	100	15	20	50	200	40	50	15	5*/**	5*/**
Maximum building setback from front property line																				10**	10**
Minimum rear setback (in feet)	50	50	50	20	20	15	15	15	None	20	20 (d)	20 (d)	15	20 (d)	50	75/100 (f)	50/75 (j)	20 (e)	20	20	20
Three-story structures only								50													
Minimum side setback (in feet)	50	50	50	10	10	10	10	10	None	20	20	20	10	15	30	75/100 (f)	50/75 (j)	20 (e)	10	10	10
Three-story structures only								50													
Maximum percentage of lot occupied by structures	10	10	10	35	30	45	55	55	100	60	80	40	50	80	25	25	30	55	35	55	55
Maximum percentage of lot covered by impermeable material (includes structures)	20	20 (c)	20	45	35	60	75	75	100	80	80	70	70	80	70	50	n/a	75	45	65	65
Minimum percentage of green/open space				55	65	40	25	25	None	20	20	30	30					25	55	35	35

Proposed Addition to Keene's Basic Zone Dimensional Requirements; Table 1, Sec. 102-791, of Three, New Marlboro Street Zoning Districts

	Zones																					
	C	A	R	LD	LD-1	MD	HD	HD-1	CB	CBL	COM	CL	O	I	IP	IPL	CP	HC	RP	BGR	NB	
Minimum green space between residential structures and parking, all sides (in feet)								10														
Minimum buffer between structures and Impervious/Paved areas																					10	10
Minimum open space setback; structure from 100-year floodway line (all sides)																					20	
Minimum front setback of open space											20											
Minimum Landscape Buffer at Structures (all sides)																					10	10
Minimum front setback of paved and unpaved parking and travel surfaces (in feet)	None	None	None	None		None	None	10	None	(m)	(m)	(m)	5	None	None	50/10 (g)	20/30 (j)	10				
Minimum side setback of paved and unpaved parking and travel surfaces (in feet)	None	None	None	None		None	None	10	None	(m)	(m)	(m)	5	None	None	25/50 (f)	20/40 (j)	10 (c)				
Minimum rear setback of paved and unpaved parking and travel surfaces (in feet)	None	None	None	None		None	None	10	None	(m)	(m)	(m)	5	None	None	25/50 (f)	20/40 (j)	10 (c)				
Required frontage (in feet)	50	50	50	60	100(q)(r)	50	50	50	50	80	50	100	50	50	50	200 (h)	100	50				
Percentage of lot retained in vegetated/natural state	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	40	n/a				
Required depth (in feet)	None	None	None	None	None	None	n/a	None	None	None	None	None	None	None	None	150	None					
* The front building setback shall be 5' maximum from a Marlboro Street frontage.																						
** 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 projection, entrance bays, or other articulations of the façade, unless otherwise prohibited by City Code.																						

---

Kendall W. Lane, Mayor

In City Council September 7, 2017.  
Public Hearing set October 5, 2017 at 7:05 PM.

*William S. Dow*

Deputy City Clerk