



PLANNING, LICENSES AND DEVELOPMENT COMMITTEE  
Council Chambers A, Keene City Hall  
May 8, 2024  
7:00 PM

**A. AGENDA ITEMS**

1. Updates Regarding Social Host Ordinance Activity - Amanda Trask, Community Liaison Specialist
2. Keene Elm City Rotary Club - Request to Use City Property - Clarence DeMar Marathon - September 29, 2024
3. Keene Family YMCA - Request for Road Closure - Summit Road - June 2, 2024
4. Keene Music Festival - Request to Use City Property - August 31, 2024
5. *The Keene Sentinel* - Request to Use City Property/Fireworks Discharge - 225th Anniversary Celebration - September 7, 2024
6. The Colonial Theatre - Request to Use City Property - 100th Anniversary Celebration - August 18, 2024
7. City Council Rules of Order Amendments - City Attorney
8. Relating to the Cottage Court Overlay District Ordinance O-2024-01
9. Relating to Sidewalk Cafe Enforcement Measures Ordinance O-2024-06
10. Relating to Nuisance, Menace and Vicious Dogs Ordinance O-2024-07

**B. MORE TIME ITEMS**

1. Relating to Amendments to the City of Keene Land Development Code, Definition of Charitable Gaming Facility – Ordinance O-2023-17-A

**NON PUBLIC SESSION**

**ADJOURNMENT**





April 15, 2024

Mayor Jay Kahn  
Keene City Council  
3 Washington St  
Keene, NH 03431

Re: 46nd Annual Clarence DeMar Marathon and 10th Annual DeMar Half Marathon  
Request for City Event permit

Dear Mr. Mayor and City Councilors,

The Keene Elm City Rotary Club respectfully requests an event permit for our official City of Keene Community Event; the annual Clarence DeMar Marathon and DeMar Half Marathon to be held on Sunday, September 29<sup>th</sup> 2024. A part of our event includes the Kids DeMar Marathon and Super Senior DeMar Marathon programs.

I invite all members of city government and staff to join us on the quad at Keene State College to experience the energy and personal accomplishment of so many people on race day.

I am available for any questions you might have.

Yours in service,

A handwritten signature in black ink, appearing to read "Alan Stroshine".

Alan Stroshine, Race Director  
Member, Keene Elm City Rotary Club

Keene Elm City Rotary  
PO Box 1786  
Keene, NH 03431

*Clarence DeMar Marathon Corp is a 501c3 organization – Tax ID: 02-0454040*



FOR YOUTH DEVELOPMENT  
FOR HEALTHY LIVING  
FOR SOCIAL RESPONSIBILITY

**the KEENE FAMILY YMCA**

March 26, 2024

To Whom it may concern,

The Keene Family YMCA is requesting a full road closure of Summit Road in Keene NH on Sunday June 2, 2024 from 8:00am-12:00pm for a Youth Triathlon Race. The closure will start just past the Y entrance to the end of the road. We will be using Summit Road as a loop (up and Back) for the bike portion of the race and the remaining race will take place on the YMCA property.

We will work with the City Protocol team to use city barriers to close off Summit Road just after the Y entrance and Summit Ridge off Summit Road. We will work with the police department regarding a police detail for the hours they are racing (9-1030am). We will have about 20 volunteers assisting as course marshals.

The YMCA will communicate with our neighbors regarding the road closure and will have volunteers ready to assist with cars to and from their homes as needed.

Kelly Fleurette  
Senior Program Director  
Keene Family YMCA  
200 Summit Rd  
Keene, NH 03431

[kfleurette@keene-ymca.org](mailto:kfleurette@keene-ymca.org)  
603-283-5240



*Keene Music Festival  
37 Roxbury Street  
Keene, NH 03431  
(603) 499-6656*

January 16, 2024

The Honorable Mayor and City Council  
Keene City Hall  
3 Washington Street  
Keene, NH 03431

Re: 2022 Annual Keene Music Festival

The Keene Music Festival wishes to sponsor this year's Annual Keene Music Festival on Saturday, August 31, 2024. The scheduled hours for setup, performances and other activities are 8:00 AM until 11:00 PM; with performances ending by 10:00 PM.

As with previous events, we are seeking permission to use the common area and bandstand in Central Square, Railroad Square and those sections of the following sidewalks that are located within the Downtown area: Main Street, Lamson Street and Gilbo Avenue. Musicians, merchants and city permitted restaurants will use the sidewalks. In no instance will a sidewalk be blocked in a manner that restricts pedestrian traffic. In addition to these locations, City Tire Company (124 Main Street), Lindy's Diner (Possible!), The Toadstool Book Shop (Emerald Street), The Monadnock Food Coop (Cypress Street) as well as other possible downtown businesses, will also be designated as performance venues. We would like to request and reserve the use of parking metered space #'s: 164, 166, 168, 170, 172, and 174 on Main Street in front of the City Tire Company. The Main Street metered spaces are being requested to serve as a staging area to allow the sound crew to prepare equipment to be set up in the City Tire Company parking lot; and could be opened for use later in the day.

While we do not request that Railroad Street, from Main Street to the parking garage be officially closed, we are asking that the Public Works Department please provide us with adequate barriers for that eventuality. If the Keene Police Department determines that there is a safety issue, we will close the street as needed. We are also requesting to place a stage at Lamson Street; in the area between Main Street and the sidewalk. We would request access to portable safety barriers to place at the entrance to Lamson Street to serve as a buffer between Main Street and the performers. The performance area would be designed to fit within the area between Main Street and the sidewalk adjacent to Lamson Street.

As with prior years, and in a manner consistent with community event protocol, we ask that the City please give due consideration to absorbing any additional cost of Police Officers, Public Works and Fire Department Personnel for the day. We are requesting that Police and Fire Department Personnel be detailed to the event between the hours of 11 :00 AM and 10:30 PM.

As required, we will provide a \$ 1 Million certificate of insurance to the City, and work closely with City staff to ensure that this is a safe and enjoyable event. We will also procure and set up four port-o-potties.

Our previous Music Festivals have always been a great success. There have been no public issues; the performances have been amazing, and the crowds' orderly. As in previous years, Keene Music Festival does not consider or accept outside vendor applications. We prefer to encourage our guests to explore local businesses and shops as they enjoy the musical well as the array of the current licensed Food Trucks, who will be invited to participate in the Downtown area.

Events such as this add to the vibrancy of our Downtown, and the City in general, helping Keene be the exceptional place that it is. We thank you in advance for your continued consideration and support.

Sincerely,



Pablo Fleischmann  
Keene Music Festival Director



May 8, 2024

City of Keene, NH  
3 Washington Street  
Keene, NH 03431

Dear Honorable Mayor and City Council,

I am writing to request your approval to hold a community celebration in Keene as part of the 225<sup>th</sup> anniversary of *The Keene Sentinel*.

*The Sentinel* seeks to host a day-long event on Saturday, September 7<sup>th</sup>. In downtown Keene, we hope to feature an opening ceremony, downtown sidewalk sale, live music, antique car & truck show, an art exhibit, food trucks, brewery and wine tent, history tours, and special restaurant events. Our plans also include a local celebrity softball game and a day-ending fireworks display at Keene High's Alumni Field. We expect the event to begin at 10:00 a.m. and end around 8:45 P.M.

This will be a family-oriented event.

*The Sentinel* intends for this to be a wide and open event and a celebration for and of Keene and all the Monadnock Region towns and communities. The event will be free to all who wish to attend.

We additionally look to include educational elements through a series of discussions covering such topics as *The Sentinel* and journalism generally and also the Monadnock region and its history and culture. We hope to celebrate not just the role of the press and first amendment, but most especially our region and the factors coalescing to contribute to the quality of life here in the region.

Overall, the event will be fun, open, engaging, and inclusive. Though our 225<sup>th</sup> anniversary is the occasion, it is important to *The Sentinel* that this be a celebration of and for the community. At its conclusion we hope attendees will look back on the event feeling that their participation was enjoyable, engaging, stimulating, and enlightening and reinforced their appreciation of our special community.

Thank you for your consideration.

Respectfully,

Sean Burke  
*President & Chief Operating Officer*  
The Keene Sentinel

# COLONIAL

PERFORMING ARTS CENTER

April 30, 2024

Dear Terri

The Colonial Theatre is requesting an event license for The Colonial Theatre, 95 Main Street, Keene, NH on: **Sunday, August 18, 2024, 8 am – 5 pm (event runs 10 am – 4 pm)**

The Colonial will be hosting an open house to celebrate our 100<sup>th</sup> anniversary on this day.

1. We request an event license permitting us the use of City Property in front of The Colonial: including several parking spaces between Commercial Street and the Miller Brothers-Newton Building and sidewalk area. We will contact Chelsea North separately for parking permits.
2. We also want to request closure of Commercial Street from the corner of Commercial and Main Streets to the loading dock at The Colonial Theatre. We have confirmed with Mon Ami they will be closed that day.
3. In the south side alley (between The Colonial Theatre and the former Miller Brothers-Newton building) we will invite two vendors to serve food or goods. We will coordinate with the owners of Miller Bros-Newton.

Please let us know if you have any questions or require more information.

Best,



Vicky Pittman, Director of Education & Community Engagement  
The Colonial Theatre, 95 Main Street, Keene, NH 03431  
[Vicky.pittman@thecolonial.org](mailto:Vicky.pittman@thecolonial.org)

- **Operations Director:** [Britta.halford@thecolonial.org](mailto:Britta.halford@thecolonial.org)
- **Production Director:** [owen.murphy@thecolonial.org](mailto:owen.murphy@thecolonial.org)
- **Development Director:** [sam.clark@thecolonial.org](mailto:sam.clark@thecolonial.org)
- **Julianne Gadoury: Interim Executive Director** [julianne.gadoury@thecolonial.org](mailto:julianne.gadoury@thecolonial.org)



# CITY OF KEENE NEW HAMPSHIRE

ITEM #A.7.

**Meeting Date:** May 8, 2024  
**To:** Planning, Licenses and Development Committee  
**From:** Thomas Mullins, City Attorney  
**Through:**  
**Subject:** City Council Rules of Order Amendments - City Attorney

---

**Recommendation:**

The proposed amendments to the City Council Rules of Order are attached for the Committee's consideration and recommendation.

**Attachments:**

1. Rules of Order Revisions April 2024 TPM RL 04.10.24

**Background:**

**PROPOSED AMENDMENTS  
RULES OF ORDER OF THE CITY COUNCIL  
April 2024**

**SECTION 15. VOTING AND CONFLICT OF INTEREST.**

The Mayor and Councilors shall file with the City Clerk in January of each year a Statement of Interests on a form prepared for that purpose by the City Clerk. The Statement of Interests shall identify for the Mayor and for each Councilor the person's employer, and for the Mayor, ~~and~~ for each Councilor, and for their respective Immediate Family members, any board, commission, organization, association, or other entity which the Mayor, ~~and the~~ Councilor, or Immediate Family is a member of, and whether or not the person holds a leadership position in that organization. The Statement of Interests shall be available in the Office of the City Clerk for public inspection.

**SECTION 2. SPECIAL MEETINGS and WORKSHOP MEETINGS.** Special ~~m~~Meetings may be called by the Mayor, or at his or her refusal, incapacity or absence, then in writing to the City Clerk from the City, by seven (7) ~~or more~~ members of the City Council, ~~subject to Section 4, "Quorum," of these Rules of Order.~~ A properly called Special Meeting shall constitute a meeting of the City Council for all purposes permitted by law and under the Rules of the City Council. The City Clerk shall prepare a notice of the ~~s~~Special ~~Meeting~~session stating the time, place, and subject matter, and this notice shall ~~either~~ be mailed or delivered by cell phone text message or other electronic means at least forty-eight (48) hours before the time of the meeting to the Mayor and to each member of the City Council, or in the event of an emergency as determined by the Mayor in accordance with applicable law, the notice shall be served personally upon each member of the City Council, or left at their usual place of residence at least two (2) hours before the time of the meeting. ~~It shall also be the duty of the City Clerk, immediately upon receipt of a request to do so, to make diligent efforts to notify each member of the City Council by telephone or otherwise of such special session.~~

Workshop Meetings are for the purpose of the City Council receiving and discussing information presented to it in an informal setting during which no formal action may be taken, except for a vote to refer the matter under consideration to the appropriate Committee for further recommendation; provided, however, that the City Council may, by consensus, recommend a course of action for the Committee to consider. Workshops shall be scheduled upon the request of the Mayor, the City Council or the City Manager, and shall also state the purpose of the Workshop. The workshop format is intended to encourage in-depth presentations by City Boards, Commissions, Committees and/or staff (including consultants engaged for purposes of advising the Council), and detailed questioning and brainstorming by Council Members. The Council may discuss the material freely without following formal rules of parliamentary procedure, subject to the direction of the presiding officer and the Rules of Order. Although formal action may not be taken during Workshop

**Meetings, except for referral to the appropriate Committee, the presiding officer may poll Council Members during the meeting to determine the general consensus of the Council.**

**SECTION 11. RIGHT OF FLOOR.** When recognized by the Chair, a member ~~shall~~ should rise in his or her place, respectfully address the Mayor or Temporary Chair, confine himself or herself to the question under debate, avoid personal attacks, and refrain from impugning the motives of any other member's or participant's argument, stated position or vote. No member of the City Council may speak for or against a petition at a public hearing thereon, but he or she may ask questions concerning the petition or answer questions if he or she has special knowledge concerning the petition.

**SECTION 25. COMMUNICATIONS.** Communications to be introduced to the City Council must be addressed to the Mayor and City Council through the office of the City Clerk, be signed by the person(s) submitting the communication, and contain a residential address or mailing address, if different, and an email address. Communications containing a scanned image of the person's actual signature, or an electronic signature created in accordance with applicable law or City Ordinance, may be submitted electronically. Communications not containing all of the above will not be accepted by the City Clerk. Communications of a personal, defamatory, or argumentative nature, shall not be accepted by the City Clerk. Communications shall be accepted by the City Clerk up until 4:00 p.m. on the Tuesday preceeding the City Council meeting to be included on the agenda of the City Council.

**SECTION 32. REPORT BY COMMITTEE.** All matters referred to a Committee must be reported out of that Committee at the next regular meeting of the City Council except a matter which is the subject of a pending public hearing before the City Council, or unless otherwise ordered by a majority of the Council Committee members present. Written testimony submitted after a public hearing held before the City Council shall be accepted by the City Clerk up until 1:00 p.m. on the Tuesday immediately preceding the Committee meeting. ~~Written testimony with regard to any other business before the Committee shall be accepted by the City Clerk up until 4:00 p.m. on the Tuesday immediately following the Committee meeting to be included on the agenda of the City Council meeting.~~ A matter which is the subject of a public hearing before the City Council must be reported out of a Committee at the next regular meeting after the public hearing unless otherwise ordered retained for further consideration by a majority of the Council Committee members present. No further public comment shall be accepted by the Committee after the conclusion of the public hearing before the City Council, except for written testimony as provided above. If not reported out by the Committee as provided above, or if immediate action is required, a motion by the City Council to call the matter out of Committee will then be in order. Passage of that motion will place the matter before the City Council for consideration. When the Chair of the Committee or the designee offers a motion to carry out the intent of the Committee report, a brief explanation of the Committee's recommendation shall be stated. Moving to carry out the intent of the Committee report does not restrict the proponent of the motion from speaking against the recommendation of the Committee.

**SECTION 33. RESUBMISSION OF ITEMS ONCE CONSIDERED.** Once ~~a final vote has been taken by~~ the City Council has taken action on a matter of business, regarding the disposition of an

~~item of business~~ submitted to it, including accepting the matter as informational, or on any question properly before it, except for a reconsideration vote under these Rules or the City Charter, the identical subject matter to that ~~item of business or question matter~~ shall not be taken up again by the City Council during that calendar year, except on a proper motion for reconsideration under the Rules of Order or the City Charter, or except upon submission by the applicant to the City Council of material information not previously available at the time of the action which may alter the prior action taken by the City Council. The City Council shall first determine by majority vote whether or not the information is material to the prior disposition of the matter. If so, the matter shall be referred back to the appropriate Committee for further recommendation. If not, then no further action with respect to the matter shall be taken.



# CITY OF KEENE

In the Year of Our Lord Two Thousand and Twenty Four

AN ORDINANCE Relating to the Cottage Court Overlay District

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

That Chapter 100 of the Code of Ordinances of the City of Keene, the Land Development Code, as amended, is further amended as follows:

- I. That a new article entitled “Cottage Court Overlay District” is added to the Zoning Regulations after Article 16, as follows:

**17.1 PURPOSE**

The purpose of the cottage court overlay district is to:

- 1. Promote infill development and redevelopment within established neighborhoods that is built at a scale and character consistent with existing development patterns.
- 2. Encourage efficient use of land and cost-effective delivery of community services.
- 3. Expand the range of housing choices available to meet the needs of the city's changing demographic trends, including smaller households, young professionals, older adults, and empty nesters.
- 4. Provide developers and property owners with flexibility to achieve high quality design and develop projects that strengthen existing neighborhoods.
- 5. Encourage compact development that is pedestrian-scaled, healthy, safe, and affordable.

This purpose shall be accomplished by allowing for innovative site design and clustering of smaller residential units at a higher density within the tract than would be allowed by the underlying zoning district.

**17.2 APPLICABILITY**

**17.2.1 Generally**

All land located within the Cottage Court Overlay (CCO) District, as defined in Section 17.3, is subject to this article.

**17.2.2 Authority**

All proposals for a Cottage Court development shall obtain a conditional use permit issued by the Planning Board in accordance with N.H. RSA 674:21, Innovative Land Use Controls. The conditional use permit shall set forth all conditions of approval and shall clearly list all plans, drawings and other submittals that are part of the approved development.

### 17.3 DISTRICT DEFINED

Cottage Court developments shall be permitted in all Residential Districts (R, RP, LD, LD-1, MD, HD, and HD-1), subject to the provisions of this section. Parcels may be aggregated. Parcel(s) must have both city water and sewer service.

### 17.4. PERMITTED USES

- A.** A cottage court conditional use permit issued by the Planning Board shall be required for the uses listed in Table 17-1 when proposed as part of a cottage court development.

**Table 17-1: Cottage Court Development Permitted Uses**

<b>Residential Uses</b>	<b>R</b>	<b>RP</b>	<b>LD-1</b>	<b>LD</b>	<b>MD</b>	<b>HD</b>	<b>HD-1</b>	<b>SECTION</b>
Dwelling, Single Family	P	P	P	P	P	P	P	8.3.1.D
Dwelling, Two Family / Duplex	P	P	P	P	P	P	P	8.3.1.E
Dwelling, Triplex*			P	P	P	P	P	8.3.1.C
Dwelling, Townhome**				P	P	P	P	8.3.1.C
Dwelling, Multi-Family						P	P	8.3.1.C
Dwelling, Above Ground Floor	P	P	P	P	P	P	P	8.3.1.A
<b>Non-Residential Uses</b>	<b>R</b>	<b>RP</b>	<b>LD-1</b>	<b>LD</b>	<b>MD</b>	<b>HD</b>	<b>HD-1</b>	<b>SECTION</b>
Neighborhood Grocery Store	p <sup>1</sup>	8.3.2.U						
Office	p <sup>1</sup>	8.3.2.V						
Restaurant	p <sup>1</sup>	8.3.2.AB						
Retail Establishment, Light	p <sup>1</sup>	8.3.2.AD						
Day Care Center	p <sup>1</sup>	8.3.3.C						
Community Garden	P	P	P	P	P	P	P	8.3.6.B

*P = Permitted in the CCO      P<sup>1</sup> = Permitted in the CCO with limitations per Section 17.4.B*

*\*Triplexes fall under the definition for multi-family but in the CCO, the units must be attached horizontally and may not exceed three (3) units in a building.*

*\*\*Townhomes fall under the definition for multi-family but in the CCO, the units must be attached horizontally and must be between four (4) and six (6) units in a building.*

#### **B. Use Standards:**

- 1.** Commercial Uses (Neighborhood Grocery Store, Office, Restaurant, and Retail Establishment, Light) are allowed as follows:

- a. The commercial use must be on the corner of a public right-of-way.
- b. The commercial space shall be a maximum of 1,000 square feet.
- c. There must be residential uses above the commercial use.

- 2.** Day Care Center (Institutional Use) is an allowed use as follows:

- a. The use must be on the ground floor.
- b. The use shall be a maximum of 2,000 square feet.
- c. There must be residential uses above the day care center.

#### **C. Uses Accessory to Residential Use**

- a. Laundry and/or Storage structures for the use of residents are allowed if shown on the site plan prior to approval.

- b. Common Use Buildings with uses customary to support residential uses (kitchen area, meeting area, exercise areas, mail and package delivery, etc.) are allowed if shown on the site plan prior to approval.
- c. Other structures for the use or enjoyment of the residents such as picnic pavilions, arbors, trellises, mail kiosks, etc. are allowed if shown on the site plan prior to approval.
- d. Landscape elements for the use or enjoyment of the residents such as fire pits, bocce courts, play equipment, community garden beds, dog walks, picnic areas, sitting areas, and planting areas are allowed uses.
- e. Attached or Detached Garages are allowed in any district. This use may have units above the structure.

## 17.5 CONDITIONAL USE PERMIT

### 17.5.1 Development Types Allowed

- A. Projects may be developed on a single parcel of land with either a Property Management Entity, if rental units, or Homeowners Association (HOA) or Condominium Association, if for sale.
- B. Projects may be developed as a subdivision with units on individual lots. The project shall utilize either a Property Management Entity, if rental units, or a Homeowners Association (HOA) or Condominium Association, if for sale.
  - 1. **Buildout.** If lots are subdivided, the maximum building coverage, maximum impervious coverage, and stormwater runoff may be calculated for the overall tract, not individual lots, if open space is permanently protected through deed restrictions, conservation easements, or other means.
- C. Any Cottage Court development that includes proposals for condominium ownership or an HOA shall comply with all applicable state statutes regulating the condominium form of ownership and HOAs.

### 17.5.2 Dimensional Standards

- A. Minimum Dimensional Standards. All Cottage Court Developments shall meet the minimum dimensional standards specified in Table 17-2. If not specified in Table 17-2 or elsewhere in this Article, the dimensional requirements of the underlying zoning district shall apply.

Table 17-2. Dimensional Requirements for Cottage Court Developments

	<b>Min tract size</b>	None
	<b>Min tract frontage</b>	30 ft
<b>TRACT</b>	<b>Perimeter Building Setback</b>	From external roads Setbacks from existing roads external to the development may be less than the underlying zoning district in order to match an established building line along the road.
	<b>From other tract boundaries</b>	Shall match that of the underlying zoning district.
<b>LOT</b>	<b>Min Lot Area</b>	None
	<b>Min Road Frontage (internal roads)</b>	26 ft
	<b>Min Lot Width at Building Line</b>	None
	<b>Front, Rear, and Side Setbacks</b>	None

- B.** Density. There are no minimum or maximum density requirements.
- C.** Height.
  1. In R, RP, LD, LD-1, and MD the maximum height shall be 2.5 stories or 35' max.
  2. In HD and HD-1 the maximum height shall be 3 stories or 50' max.
  3. Parking under a structure, if not in a flood zone, counts as a story.
  4. In a flood zone, the height of the first floor is measured from the Finished Floor Elevation (FFE) or Base Flood Elevation + 1 foot, whichever is less.

### 17.5.3 Conditional Use Permit Standards

- A.** Dwelling Unit Size: No minimum unit size is required. All **new** units within the development shall have a maximum average size of 1,250 square feet (sf) gross floor area, excluding garages. The maximum building footprint shall be 900 sf per unit, excluding porches and garages, except for age restricted (55+) as defined in RSA 354-A:15, which shall be a maximum of 1,000 sf.
- B.** Parking.
  1. A minimum of 1 space per unit is required, or 0.75 per unit if units are designated for workforce housing as defined in Section 20.3.6.C of this LDC or age restricted (55+) occupancy. A maximum of 1 space per bedroom is allowed on site.
  2. Parking may be surface spaces or in garages that are part of or separate from the units.
  3. Required parking may be offsite if within 500 feet of the furthest unit unless the housing is designated for age restricted (55+).
  4. Leases for offsite parking areas, if applicable, must meet the requirements of Article 9, Section 9.2.9, "Remote Parking."
  5. Parking, if located between the street and units, shall not be visible from an external road. If the Planning Board approves a landscaped buffer to meet this requirement, the buffer shall, at a minimum, meet the "Parking Lot Screening" standards in Section 9.4.4 of this LDC.
- C.** Building separation. Separation between buildings shall be determined by applicable **building** and fire codes.
- D.** Driveways. Driveways providing access to three or more units and drive aisles internal to the site shall have a minimum width of 20' and a maximum width of 24' of paved width if two-way and a minimum of 10' and a maximum of 12' of paved width, with 18' clear width for fire access, if one-way. Where feasible, driveways should incorporate design features that give them the appearance of streets, including sidewalks, street trees, and lighting.
- E.** Internal Roads. New rights of way internal to the development shall meet the standards of Article 23.3, "Design & Construction Standards." However, some new streets may have factors such as limited access or low frequency use that may justify deviations from those standards, including lane widths, street trees, lighting, and sidewalks. Variation from those standards, if deemed appropriate, may be achieved through a waiver process as described in Article 23.

- F. Screening. A 6'-0" tall semi-opaque or opaque fence shall be required if the proposed building type (not density) is more intense than the adjacent building type (e.g., existing single-family home next to proposed town homes). The Planning Board may approve a landscaped buffer that provides similar or greater screening in lieu of a fence.

#### 17.5.4 Architectural Guidelines

Projects using this approach should endeavor to “fit in” or be respectful of the context of the surrounding neighborhood. Approval of overall design should be gauged by adherence to the following urban design and architectural principles:

<b>EASIER TO APPROVE</b>	<b>MORE DIFFICULT TO APPROVE</b>
Narrow to the Frontage	Wider to the Frontage
Parking Screened from Frontage	Parking Visible from Frontage Building
Base Differentiated	Building Monolithic
Taller Ceiling Heights	Shorter Ceiling Heights
Natural / Integral Materials	Composite and Cladding
Structural Expression	Surface Expression
Thicker Wall Depth	Thinner Wall Depth
Simple, Clear Massing	Complex Massing
Vertical Fenestration	Horizontal Fenestration
Repetitive Fenestration	Mixed Fenestration
Contextual Materials	Unrelated Materials
Landscaping Unifies	Landscaping is unorganized.

#### 17.5.5 Conditional Use Permit Application Procedure

All applications for a cottage court conditional use permit under this Article shall be made to the Planning Board and submitted to the Community Development Department following the procedures set forth in Section 26.14 of this LDC for conditional use permits, as they may be amended, and those listed below.

- A. Concurrent Review.
  1. Site Plan Review. Applications for a cottage court development that include 5 or more dwelling units shall require Major Site Plan review. Where major site plan review is required, no conditional use permit application may be considered complete without a complete major site plan application. Site plan applications will be considered concurrently with the conditional use permit application.
  2. Subdivision Review. Applications for a cottage court development that propose to subdivide land shall require subdivision review. Where subdivision review is required, no conditional use permit application may be considered complete without a complete

subdivision application. Subdivision applications will be considered concurrently with the conditional use permit application.

**B. Submission Requirements**

In addition to the materials required in Section 26.14 for a conditional use permit, an applicant for a cottage court conditional use permit shall submit the following items as part of their application.

**1. A written narrative describing the following:**

- a. The existing and proposed use(s) and development type.
- b. The proposed development or redevelopment including, but not limited to, the construction of new buildings or structures or additions to buildings or structures; interior renovations; installation of parking areas or paved surfaces; open space areas and accessory structures; screening; and landscaping.
- c. The physical and architectural characteristics of the site and the surrounding neighborhood.
- d. An explanation of how the proposed development complies with the Site Development Standards in Article 21. Where conflicts exist between the standards of this Article and the Site Development Standards, the standards of this Article shall apply.
- e. The location of access points for the existing and proposed lots if new lots are proposed.

**2. Projects that propose 10 or more new dwelling units shall provide an analysis of estimated traffic generation associated with the proposed use utilizing the most current edition of the Institute of Transportation Engineers (ITE) Traffic Generation Manual or data provided by a NH licensed traffic engineer.**

- II. That Section 2.1 of Article 2 be amended as follows: “Articles 2 through **18** ~~19~~ of this LDC shall constitute the official Zoning Ordinance for the City of Keene...”
- III. That “Dwelling, Two-Family,” “Neighborhood Grocery Store,” “Office,” “Restaurant,” “Retail Establishment, Light,” “Day Care Center,” and “Community Garden” be allowed uses with a Cottage Court Overlay (CCO) conditional use permit in all residential districts in Article 3, and that Tables 3.1.5, 3.2.5, 3.3.5, 3.4.5, 3.5.5, 3.6.5, 3.7.5, and 8-1 be updated to reflect this change. These commercial uses shall comply with the use standards detailed in Article 17, “Cottage Court Overlay District.”
- IV. That “Dwelling, Two-Family” and “Dwelling, Above Ground Floor” be allowed uses with a CCO conditional use permit in the Rural, Residential Preservation, Low Density 1, and Low Density districts, and that Tables 3.1.5, 3.2.5, 3.3.5, 3.4.5, and 8-1 be updated to reflect this change.
- V. That “Dwelling, Multi-Family” be an allowed use with a CCO conditional use permit in the Low Density 1 and Low Density districts, and that Tables 3.3.5, 3.4.5, and 8-1 be updated to reflect this change. This use shall comply with the use standards detailed in Article 17, “Cottage Court Overlay District.”

VI. That Articles 17 through 28 of the Land Development Code, and all subsections and references thereto, be amended to reflect the addition of a new Article 17, as follows:

- A. Article 17 shall become Article 18
- B. Article 18 shall become Article 19
- C. Article 19 shall become Article 20
- D. Article 20 shall become Article 21
- E. Article 21 shall become Article 22
- F. Article 22 shall become Article 23
- G. Article 23 shall become Article 24
- H. Article 24 shall become Article 25
- I. Article 25 shall become Article 26
- J. Article 26 shall become Article 27
- K. Article 27 shall become Article 28
- L. Article 28 shall become Article 29

---

Jay Kahn, Mayor

In City Council March 21, 2024.  
Mayor set the Public Hearing for  
April 18, 2024 at 7:00 PM.



Assistant City Clerk



# CITY OF KEENE

In the Year of Our Lord Two Thousand and                      Twenty Four

AN ORDINANCE            Relating to Sidewalk Cafe Enforcement Measures

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

That Chapter 46 “LICENSES AND PERMITS” of the Code of Ordinances of the City of Keene, New Hampshire, as amended, is hereby further amended by deleting the stricken text and adding the bolded, underlined text in the following sections: Sec. 46-94. Fair hearing and review by city manager; Sec. 46-1193. Term of license; Sec. 46-1194. - Conditions of license; and adding a new section relating to enforcement identified as Sec. 46-1195. – Enforcement.

**Sec. 46-94. - Fair hearing and Petition for review by city manager.**

- (a) **Unless otherwise specified in this chapter,** A any person who has been aggrieved by any decision of a designated city official to grant, deny, suspend, revoke or modify a license may petition the city manager for review of that decision. **Said petition must be submitted in writing to the City Manager’s Office and shall include: licensee name, address, licensed premises, type of license issued, duration of license, and specific documentary evidence or arguments as to why the decision of the designated licensing official was unreasonable or unwarranted.**
- (b) ~~Before a currently valid and lawfully issued license may be suspended, revoked, or modified, a fair hearing shall be afforded the license holder. Reasonable notice will be provided stating the reasons for such hearing and the action which may be taken. The hearing shall be before the city manager, the police chief, and the city clerk. The majority of such panel~~ **city manager** shall decide what action shall be taken by the designated licensing official after hearing the evidence and arguments for and against the action.
- (c) A license may be suspended, ~~revoked or modified~~ by the designated licensing official, ~~with the concurrence of the city manager,~~ without **prior notice or a hearing in cases of fraud or emergency** **the event of a lawfully declared emergency, or in the event of an immediate threat to public health and safety, as determined by the licensing official; provided,** however, ~~in such cases~~ **that in any such event,** the license holder may petition ~~that for~~ a hearing **under paragraph (a), to** be conducted as promptly thereafter as may be ~~as is~~ **reasonable and practicable given the circumstances of the suspension.**

**Sec. 46-1193. - Term of license.**

All licenses issued under this division shall expire on ~~March~~ **November** 1 next following their date of issuance. **The city manager shall have the authority to extend all current licenses for an additional 10-day timeframe in November, weather permitting. Notice of such an extension shall be provided**

**to all licensees in writing prior to November 1.** There shall be no pro-rated license fees to reflect sidewalk café dining for a portion of the year.

**Sec. 46-1194. - Conditions of license.**

- (a) A sidewalk café shall not obstruct snow removal equipment or impede winter maintenance operations in any way. **Unless a 10-day extension has been permitted by the city manager, all obstructions shall be removed from the right-of-way on or before November 1 until the following March April 1.** Any fence or other barrier to the public way shall be erected in a non-invasive and non-destructive manner. The method of affixing the same shall be reviewed and approved by the public works department prior to installation.
- (b) Licensees holding a valid license from the state liquor commission may also serve alcoholic beverages or liquor at the sidewalk café when permitted to do so by the city clerk; provided however that if the application to serve alcohol is a first request by a licensee, then the initial license shall be granted by the city council. Any permission granted by the city clerk will be subject to any requirements of the state liquor commission.
- (c) Licensees, whether providing table service or selling take-out items, shall not allow more patrons than can be seated to congregate at the sidewalk café. **Licensees shall not permit patrons to move tables and chairs within the café space in a way that would conflict with existing city code or license conditions.**
- (d) Sidewalk cafés must be kept clear of litter, food scraps, and soiled dishes, and shall be cleaned on a daily basis. Licensees which do not provide outside table service shall provide at least one waste storage container approved by the solid waste director or his designee for use by sidewalk café patrons, and the location of any such container shall be noted on the plot plan submitted with the sidewalk café application.
- (e) Plants shall be properly maintained and stressed or dying plants shall be promptly replaced.
- (f) Outdoor furniture and equipment including chairs, tables, planters, fences or barriers shall be maintained and suitable for their intended purpose.
- (g) At least 15 days prior to the expiration date of the insurance coverage, the licensee agrees to deliver to the city clerk a certificate of insurance naming the City of Keene as an additional insured.
- (h) Licensees with alcohol service shall comply with all state liquor commission rules.
- (i) Licensees shall not close for more than 45 consecutive days, unless the restaurant is seasonal in nature.
- (j) Licensees shall comply with the approved plot plan and shall at all times allow for the unimpeded public use of the public way.
- (k) Licensees shall comply with such other conditions as may be required by the city clerk, **including compliance with the City of Keene Sidewalk Cafe Guidelines issued jointly by the city clerk and the public works director.**

Sec. 46-1195. - Enforcement

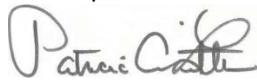
A sidewalk café license may be suspended, modified, or revoked upon receipt by the city clerk of evidence of noncompliance of any sidewalk café license condition or upon receipt of police complaints related to the outdoor dining area, subject to the following:

- (a) All complaints received will be reviewed by the appropriate city department or departments to determine the appropriate corrective action.
- (b) For issues related to life-safety, the licensee will be notified by email or phone call and shall be afforded a 24-hour period within which to take corrective action. Life-safety related issues will be subject to the terms, conditions and enforcement measures set forth by the department or departments charged with handling the issue. Departments will notify the city clerk of the disposition of the complaint and/or next steps to resolve the issue, up to and including revocation of the license.
- (c) For issues related to ADA accessibility, or any other conditions of license identified in section 46-1194, licensees will be notified by email or phone call and shall be afforded a reasonable timeframe within which to take corrective action. Failure to correct the issue within the prescribed timeframe may result in the issuance of a written Notice of Corrective Action that will be sent by first class mail to the licensee.
- (d) Three or more written Notices of Corrective Action during the license period may be considered prima facie evidence of the failure to comply with section 46-1194 that will be taken into the consideration of a license application the following license year.
- (e) If a noncompliance issue remains unresolved despite the city's attempts to work with the licensee, the city reserves the right to notify the licensee in writing to remove items from the city right-of-way within fourteen days of the issuance of such notice. If the licensee fails to remove items, the items will be removed by the public works department at the expense of the licensee, and licensee shall lose their ability to apply for a license the following license year.
- (f) If the city clerk becomes aware of a restaurant expanding the service or seating of the restaurant onto the city right-of-way without a sidewalk café license, the entity will be immediately notified that a license is required and provided a reasonable timeframe to comply. Any restaurant that does not come into compliance within the afforded timeframe will be subject to a violation under Section 46-33 of this code, and items will be removed by the public works department at the expense of the business owner.

---

Jay V. Kahn, Mayor

In City Council May 2, 2024.  
Referred to the Planning, Licenses and  
Development Committee.

  
City Clerk



CITY OF KEENE

In the Year of Our Lord Two Thousand and Twenty Four

AN ORDINANCE Relating to Nuisance, Menace or Vicious Dogs

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

**Sec. 10-36. Forfeitures for nuisance, menace or vicious dogs.**

- (a) Whoever owns a dog that violates section 10-35 and whose dog is adjudged to be either a nuisance, a menace or vicious shall forfeit the following to the city clerk:
  - (1) Nuisance dog:
    - a. For the first offense .....\$25.00
    - b. For the second nuisance **or subsequent** offense committed within 12 months of the first offense .....~~\$50.00~~ **\$100.00**
  - (2) Menace dog:
    - a. For the first offense .....\$50.00
    - b. For the second menace **or subsequent** offense committed within 12 months of the first offense .....~~\$100.00~~ **\$200.00**
  - (3) Vicious dog:
    - a. For the first offense .....\$100.00
    - b. For the second vicious **or subsequent** offense committed within 12 months of the first offense .....~~\$200.00~~ **\$400.00**
- (b) These forfeitures shall be **paid** ~~made~~ within 96 hours from the time of notice **is given by any law enforcement officer or animal control officer to the owner or keeper of the dog.** ~~to the city clerk.~~ Any person making this forfeiture shall have deemed to have waived the right to have the case heard in the ~~district~~ **circuit** court, and shall not be prosecuted or found guilty of a violation of RSA 466:31. Any person who does not pay the civil forfeiture shall have the case disposed of in ~~district~~ **circuit** court. Any person who pays a civil forfeiture, as specified in this section, two times within a **12-month period,** ~~a year,~~

according to the records of the **animal control officer** ~~of the city clerk~~, may not pay the civil forfeiture for subsequent violations of this section in that 12-month period, ~~year~~, but shall have these cases disposed of in ~~district~~-**circuit** court. For a vicious dog, where its behavior represents such a threat to public safety, immediate ~~district~~-**circuit** court proceedings may be initiated in lieu of civil forfeiture.

---

Jay V. Kahn, Mayor

In City Council April 18, 2024.  
Referred to the Planning, Licenses and  
Development Committee.

  
City Clerk