



## Joint Committee of the Planning Board and Planning, Licenses & Development Committee

Tuesday, November 12, 2024

6:30 PM

City Hall, 2<sup>nd</sup> Floor Council Chambers

### A. AGENDA ITEMS - **AMENDED**

1. Roll Call
2. Approval of Meeting Minutes – October 15, 2024
3. **Public Workshops:**
  - a. **Ordinance – O-2024-17 – Relative to minimum lot sizes in the High Density, Medium Density, and Downtown Transition Districts.** Petitioner, City of Keene Community Development Department, proposes to amend Section 3.5.2, Section 3.6.2, and Section 4.6.1 of the Land Development Code to remove the minimum lot area required for each dwelling unit after the first dwelling unit in the High Density, Medium Density and Downtown Transition Districts.
  - b. **Ordinance – O-2024-19 – Relative to Building Height in the Commerce District.** Petitioner, City of Keene Community Development Department, proposes to amend Section 5.1.4 of the Land Development Code (LDC) to modify the allowed height within the Commerce District to be three stories or 42 feet, and amend Section 8.3.1 of the LDC to incentivize residential development in the Commerce District by permitting a height of up to six stories or 82 feet for “dwelling, multifamily” with limitations.
4. **Potential Sign Code Modifications**
5. New Business
6. Next Meeting – December 9, 2024

### B. MORE TIME ITEMS

1. Minimum Parking Requirements
2. Short Term Rental Properties
3. Neighborhood / Activity Core areas (“Neighborhood Nodes”)
4. Private Roads

### A. ADJOURNMENT

1 City of Keene  
2 New Hampshire

3  
4  
5 JOINT PLANNING BOARD/  
6 PLANNING, LICENSES AND DEVELOPMENT COMMITTEE  
7 MEETING MINUTES  
8

Monday, October 14, 2024

6:30 PM

Council Chambers,  
City Hall

Planning Board

Members Present:

Harold Farrington, Chair  
Roberta Mastrogiovanni, Vice Chair  
Councilor Michael Remy – joined via  
zoom  
Kenneth Kost  
Armando Rangel  
Michael Hoefler, Alternate (voting)

Planning Board

Members Not Present:

Mayor Jay V. Kahn  
Sarah Vezzani  
Ryan Clancy  
Tammy Adams, Alternate  
Randyn Markelon, Alternate  
Stephon Mehu, Alternate

Planning, Licenses &

Development Committee

Members Present:

Kate M. Bosley, Chair  
Robert C. Williams  
Edward J. Haas

Planning, Licenses &

Development Committee

Members Not Present:

Philip M. Jones, Vice Chair  
Andrew Madison

Staff Present:

Mari Brunner, Senior Planner

9 **I) Roll Call**

10  
11 Chair Farrington called the meeting to order at 6:30 PM and a roll call was taken. The Chair  
12 invited Mr. Hoefler to join the session as a voting member.  
13

14 **II) Approval of Meeting Minutes – July 8, 2024**

15  
16 A motion was made by Councilor Bosley to approve the July 8, 2024 meeting minutes. The  
17 motion was seconded by Councilor Haas and was approved unanimously by roll call vote.  
18

19 Councilor Remy stated he is joining the session remotely as he is traveling for work. He is in a  
20 warehouse and he is not alone in the room.  
21

22 **III) Continued Public Workshop:**

23 **a. Ordinance – O-2023-16B – Relating to permitted uses in the Downtown Core,**  
24 **Downtown Growth, and Commerce Districts.** Petitioner, City of Keene Community

25 Development Department, proposes to amend Section 8.3.2 of Article 8 of the Land  
26 Development Code (LDC) to add a definition for “Charitable Gaming Facility” and amend Table  
27 8-1, Table 4-1, and Table 5.1.5 to display “Charitable Gaming Facility” as a permitted use in the  
28 Downtown Growth District and Commerce District. In addition, the petitioner proposes to amend  
29 Section 8.4.2.C.2.a of Article 8 of the LDC to remove drive-through uses as a permitted use by  
30 Special Exception in the Downtown Core District.

31  
32 Councilor Bosley addressed the committee and stated there have been some changes at council in  
33 the last year. She stated one of those was the addition of Councilor Favolise who raised an issue  
34 regarding EV stations.

35  
36 She indicated the idea of the EV charging stations was a contentious point at Council. Several  
37 councilors who, regardless of their opinion about EV charging stations, felt like it was unfair to  
38 target a use with a specific requirement and is something the Council wants to see as a separate  
39 ordinance.

40  
41 The Council feels the Energy and Climate Committee is studying this issue and has some  
42 recommendations that would be brought before Council as to what an ordinance draft should  
43 look like for the addition of EV charging stations throughout the city. Council feels it is  
44 burdensome to an applicant if this is item is added to specific uses until a policy is made on it.  
45 The Council voted 8-7 to amend this item to remove the EV charging station which requires this  
46 item comes back before the Joint Committee. Another public hearing will also need to be  
47 scheduled.

48  
49 The Chair asked for staff comments. Ms. Brunner stated the Councilor has reviewed the item  
50 well and referred to Standard E - Parking and Traffic Substandard 6: “...2% or two of the  
51 required parking spaces, whichever is greater, shall be equipped with electric vehicle charging  
52 stations.” This is the use standard Council wants removed, which would now create a C version  
53 of the ordinance.

54  
55 Councilor Haas stated this is the only issue that was raised at Council; otherwise, the ordinance  
56 seemed to be ready for approval. He hoped it can be moved forward soon. Councilor Williams  
57 stated he was one of those who voted against sending it back through the process. He felt even  
58 though he feels EV charging stations are important he would like to move this item back to  
59 Council.

60 Mr. Kost clarified the only change is the EV charging station and the idea is that the charitable  
61 gaming use goes into the Commerce District; the streets and distances discussed previously have  
62 not changed.

63 Councilor Bosley stated the EV charging stations became a contentious issue for Council. The  
64 Council felt if this was voted down it won’t have the opportunity for a vote until the next  
65 calendar year.

66 Councilor Remy stated that since this item was sent back, he has received feedback from  
67 constituents around the distances, particularly as it relates to Key Road because there is a large

68 residential development that is not zoned residential which is located behind some of those zones  
69 that were identified as eligible. There was a suggestion to extend the distance to make it so that it  
70 is not built right next to that residential development.

71 Councilor Williams felt a solution would be to look at rezoning that area residential. The Chair  
72 felt neither of those seem like a quick fix. Councilor Bosley stated there was some concern about  
73 having this use adjacent to residential and the Committee decided to limit [the distance  
74 requirement] to one and two family residential instead of multifamily residential. The Joint  
75 Committee was in agreement at the time that it should be prohibited from being adjacent to any  
76 sort of residential use.

77 With that the Chair asked for public comments

78 Mr. Jared Goodell, 39 Central Square Keene addressed the committee and noted as Councilor  
79 Remy had indicated #3 and #4 indicated *250 feet from any single family or two family dwelling a*  
80 *casino would not be allowed* and same for a residential zoning district. He noted the Key Road  
81 area which was added at the last meeting is surrounded by residential to the north and then to the  
82 west of that is another development - Princeton Properties. Mr. Goodell suggested subsection C  
83 #3 to single family, two family or commercial residential unit.

84 Another change Mr. Goodell proposed was in reference to “playgrounds”. He indicated he has  
85 seen on many occasions where a grandparent, parent or guardian has left a child on a playground  
86 or in a car while they are inside a casino and stated he was concerned about a casino being  
87 located near a public park or even a private playground that services five or more units.

88 The committee referred to a zoning map of Key Road. Councilor Bosley asked why the area  
89 where the residential properties are located is zoned commercial. Ms. Brunner stated she had  
90 raised this issue a while ago and stated she wasn’t sure of the history for why it is zoned  
91 commercial. It was noted that the adjacent area is high density. Ms. Brunner stated the process to  
92 rezone this area would be a zoning map amendment and would go through an ordinance process.

93 The Chair closed the public hearing.

94 The Chair noted the committee has a revised ordinance with clear direction from City Council to  
95 eliminate Item B - #6 “EVs”.

96 The second issue is whether the committee wanted to offer a modification to include not just  
97 one- and two-family residences but multi-family residences as well. The alternative is to leave  
98 the wording as-is and pursue a zoning map adjustment amendment for the Key Road area.

99 Councilor Remy stated the hesitation he has with a zoning map change versus just changing the  
100 language to refer to multifamily is because the city allows housing in multiple zones. He stated  
101 his preference is to change the phrasing to include multi-family properties, not just one- and two-  
102 family properties.

103 Councilor Williams stated his only concern with that suggestion is that he did not want to  
104 discourage development of multi-family units in commercial zones.

105 Councilor Bosley asked staff if a casino is located in an area whether a developer could construct  
106 a residential property in close proximity. Ms. Brunner stated if a developer came in and wanted  
107 to do a mixed-use, they wouldn't be able to have a casino and develop the multifamily on the  
108 same property. If a casino was proposed after a multifamily has already been located on a site,  
109 they would have to meet the setback requirements. If the casino was built first and then  
110 multifamily development is proposed, that would be allowed. Councilor Bosley clarified the  
111 language in this ordinance would not prevent further development of residential units in a  
112 commercial zone that already housed a casino, because that would be happening with the  
113 understanding that the casino was already there. Ms. Brunner agreed and added because the use  
114 restriction applies to the casino use and not the multifamily use.

115 Mr. Kost stated if a developer came in with a mixed-use community to include housing, casino,  
116 commercial uses, etc. he felt the city would have the opportunity to look at that development and  
117 perhaps make the appropriate changes with a variance.

118 Councilor Haas stated a residential area will prohibit a charitable gaming facility based on the  
119 distances, but if a charitable gaming facility goes in first and then residential wants to be built  
120 within the distance limitations in a commercially zoned area the city allows – they will not be  
121 precluded from that. The distance limitation works one way only for the charitable gaming, not  
122 for future residential. Ms. Brunner agreed that was correct. Councilor Haas felt the easier path  
123 would be to add multifamily or other residential use excluding what zone it is located in. He  
124 stated he appreciates Mr. Goodell's remark about playgrounds but felt that issue should be  
125 addressed at a future time

126 Councilor Bosley stated she likes the direction this issue is going in; it honors her opinion from  
127 the previous meeting and does not see this as being an issue at Council.

128 Chair Farrington stated what the committee is looking at is Item 3 - Use Standards. *no*  
129 *charitable gaming facility shall be permitted within 250 feet of any single family or two-family*  
130 *dwelling.*

131 Ms. Brunner suggested the following language for a motion: No charitable gaming facilities shall  
132 be permitted with 250 feet in a single family, two-family or multifamily dwelling.

133 Councilor Haas made a motion that the Joint Committee adopt the language as just stated to  
134 include language which states: No charitable gaming facilities shall be permitted with 250 feet in  
135 a single family, two-family or multifamily dwelling. The motion was seconded by Councilor  
136 Bosley.

137 Ms. Brunner asked whether the committee would like to add language regarding the EV Stations.

138 Councilor Haas withdrew his motion. Councilor Bosley withdrew her second.

139 Councilor Haas made an amended motion that the Joint Committee adopt the language as just  
140 stated to include language which states: No charitable gaming facilities shall be permitted with  
141 250 feet of a single family, two-family or multifamily dwelling. To also remove the EV  
142 Charging Station requirement. The motion was seconded by Councilor Bosley.

143 Mr. Rangel confirmed that the Joint Committee was amenable to removing the issue with EV  
144 charging stations as it is going to be discussed at a different venue. The committee stated it will  
145 be discussed under a different ordinance. The Energy Committee is going to be taking on this  
146 task.

147 The motion carried on a roll call vote.

148 A motion was made by Roberta Mastrogiovanni that the Planning Board find that Ordinance –  
149 O-2023-16C is consistent with the 2010 Comprehensive Master Plan. The motion was seconded  
150 by Armando Rangel and carried on a roll call vote.

151 A motion was made by Councilor Williams that the Planning Licenses and Development  
152 Committee request the Mayor to schedule a public hearing on Ordinance – O-2023-16C. The  
153 motion was seconded by Councilor Haas and carried on a unanimous vote.

154

155 **IV) Discussion regarding possible future zoning amendments to promote housing**

156 a. Residential district lot size requirements

157 b. Housing Opportunity Zone

158 c. Maximum height and setback requirements

159 Residential District Lot Size Requirements

160 Ms. Brunner stated staff has been reviewing the zoning ordinance and other regulations within  
161 the Land Development Code with an eye towards removing barriers to housing development.

162 One of the items is an ordinance that has been submitted which will be coming to the Joint  
163 Committee for a public workshop in November related to residential lot sizes – this is something  
164 that has been discussed in the past. Ms. Brunner explained this ordinance would take what is  
165 referred to as a density requirement where you are required to have an extra amount of lot area  
166 for each additional dwelling unit above the first which forces an applicant (even in a district that  
167 allows multi-family and you want to build a compact multi-family apartment building) a larger  
168 area in order to do that. It is a cap on the number of units based on how much land you have.

169 Staff's proposal is to remove that requirement in three districts. In the past the discussion has  
170 been around high and medium density districts. However, when staff was working on this  
171 ordinance, they realized downtown transition has the same scheme. Hence, this district has been  
172 added and the ordinance has been sent to Council for first reading.

173 Housing Opportunity Zone

174 Ms. Brunner stated this topic refers to RSA 79 E, which is a tax incentive. There is a new  
175 element added a year ago referred to as Housing Opportunity zones. Staff is hoping to explore

176 that and see where it might make sense to have that in Keene as a way to hopefully promote  
177 more housing development. Ms. Brunner stated the number one barrier staff has been hearing  
178 from developers interested in housing is the cost of construction.

179 Maximum Height and Setback Requirements

180 Ms. Brunner stated staff has submitted to council an ordinance to take a look at height  
181 requirements in the commerce district. She indicated a couple years ago, City Council adopted an  
182 amendment to the zoning ordinance to allow multifamily housing in the commerce district. At  
183 the time the height was increased to four stories. She noted the city has not seen anything come  
184 about as a result of that in the last two years. Staff has recently had a couple of conversations  
185 with developers and the financial issue still does not work. As a result, what staff is proposing is  
186 a further change to specifically incentivize multifamily housing development in the commerce  
187 district. This will be coming forward to the Joint Committee and that would be through an even  
188 further height increase but only for that use and with limitations.

189 Chair Farrington asked what the new height limitation would be. Ms. Brunner stated staff is  
190 proposing six stories and noted this does sound like a lot, but again, doing a review of the  
191 commerce districts, there is already some four and five story residential buildings that are  
192 existing, non-conforming without any commercial on the bottom floor. Staff is proposing to go  
193 up to six stories but with an increased set back or building height step back and an even bigger  
194 set back if it is adjacent to an existing single or two family use.

195 Councilor Bosley asked whether this would look similar to what we are requiring in the  
196 downtown with the step backs at the upper two levels. Ms. Brunner answered in the affirmative.  
197 Councilor Bosley asked whether the city is seeing projects coming forward that staff feels these  
198 changes would be helpful for. Ms. Brunner answered in the affirmative and added the other  
199 issues staff could not bring forward for this round is in relation to parking minimums. She noted  
200 state law around parking minimums has changed, and staff has been working on an ordinance  
201 that incorporates the recommendations from the city's parking consultant, which actually goes  
202 even further than what the state law requires.

203 Staff feels this, in combination with the height in the commerce district and the residential lot  
204 sizes would have the largest impact for housing development in Keene.

205 Mr. Kost referred to the difference between set back requirements and build to lines and asked  
206 what the city is trying to achieve between those two terms. Ms. Brunner stated build to lines or  
207 build to zones are only in the downtown form based code district and is almost the opposite of a  
208 setback. For a setback you have to be at a minimum of a certain distance from the road, but you  
209 could be even further back from that but can't get closer for instance than 20 feet. For the build  
210 to zone there is a range. It could be zero to five or zero or zero to 10 feet and the front of your  
211 building has to be within that range. Ms. Brunner added the rest of the city outside of the  
212 downtown is traditional set back style zoning and are not proposing to change that with this  
213 ordinance.

214 However, if you choose to construct a building that is multifamily and takes advantage of that  
215 extra height, then you would have to be setback an additional 15 feet or you could do the

216 building step back, which means that the couple of stories would be at that original setback and  
217 any stories that go up above would be stepped back.

218 Mr. Kost asked whether the six-story maximum is for residential and if someone was building a  
219 hotel for example in the commerce district they could go beyond six stories. Ms. Brunner stated a  
220 hotel would be considered a commercial use, it is not listed under residential uses, so they would  
221 not be able to do a six-story hotel. What is being proposed is that the increased height would  
222 only apply to residential, specifically multifamily residential.

223 Ms. Mastrogiovanni asked whether it could be commercial and residential in a six-story building.  
224 Ms. Brunner stated this is a requirement. There is currently a use limitation that says in the  
225 downtown core, downtown growth and commerce districts, multifamily dwellings have to be  
226 above the ground floor. What is being proposed now is that along the street frontage there has to  
227 be commercial tenant space.

228 Councilor Haas referred to models that were previously built by Keene State students and  
229 suggested those be brought to the public workshop.

230 Chair Farrington asked for public comment next. Mr. George Hansel of Keene addressed the  
231 committee and stated he has been talking to planning staff on some of these items. He indicated  
232 after his retirement from the city, he has been involved with housing development. He stated one  
233 of the things he sees on this list that could be done quickly and would allow him to move  
234 forward with two projects that have already been designed. These are existing buildings and the  
235 plan is to add apartments to them and turn them into three and four unit apartment buildings in  
236 neighborhoods that already have these types of uses. It is the residential district lot size  
237 requirements in medium and high-density zones that currently prevent this.

238 He noted the city already regulates so many things with setback requirements, parking  
239 limitations, etc. He felt these lot size requirements are arbitrary. He noted when he can meet the  
240 parking requirements, setback requirements but then there is the square footage number which  
241 requires an applicant to apply for a variance, it becomes burdensome. He stated the best  
242 advantage for most people in Keene is to try and convert existing buildings into multifamily  
243 units. The parking issue is another one. He also noted the two parking spaces per dwelling unit  
244 is a waste of space and many studies would support this idea.

245 Mr. Hansel stated what he has also learned is that commercial rents in Keene are low. He felt the  
246 problem isn't residential, it is the commercial. To rent commercial space, it is \$25 a square foot  
247 and commercial rent is nowhere close to that. Therefore, Mr. Hansel encouraged the committee  
248 to look at allowing housing on the first floor and not require commercial on the first floor  
249 necessarily. He explained to build new a multi-story building, commercial on the first floor has  
250 to be subsidized by the residential on the top floors – otherwise, it does not work financially. He  
251 agreed there has to be balance of commercial and residential uses in the city.

252 Councilor Bosley noted on September 19 on the council agenda, there is a first reading of the  
253 ordinance that staff brought to this committee and asked Mr. Hansel to come back before this  
254 committee with his thoughts at the next public workshop.



255 V) **New Business**

256 Councilor Bosley stated at the last council meeting, there was a referral from Mayor Kahn for  
257 this committee to review the potential of an ordinance change to the blade signs in the industrial  
258 zone and this will be discussed when the Mayor is back from Germany at the next joint  
259 committee meeting.

260  
261 **VI) Next Meeting - Tuesday, November 12, 2024**

262  
263 **B. MORE TIME ITEMS**

- 264 1. Minimum Parking Requirements  
265 2. Short Term Rental Properties  
266 3. Neighborhood / Activity Core areas (“Neighborhood Nodes”)  
267 4. Private Roads

268  
269 **C. ADJOURNMENT**

270  
271 There being no further business, Chair Farrington adjourned the meeting at 7:29 PM.

272  
273 Respectfully submitted by,  
274 Krishni Pahl, Minute Taker

275  
276 Reviewed and edited by,  
277 Mari Brunner, Senior Planner

**MEMORANDUM**

**To:** Joint Committee of the Planning Board and PLD Committee

**From:** Mari Brunner, Senior Planner

**Date:** November 4, 2024

**Subject:** O-2024-17 Relating to Minimum Lot Sizes in the High Density, Medium Density, and Downtown Transition Districts

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**Overview**

This Ordinance proposes to amend the minimum lot area in the High-Density District, Medium Density District, and the Downtown Transition District by removing the minimum lot area required for each additional dwelling unit after the first dwelling unit. The intent of the proposed change is to reduce barriers to housing development and increase the number of conforming lots in these districts.

**Background**

The minimum lot area for the Medium Density (MD), High Density (HD), and Downtown Transition (DT-T) districts are shown in Table 1. In each of these districts, there is a minimum lot area, a minimum lot area for a single dwelling unit, and a minimum lot area for each additional dwelling unit. The latter requirement (Min Lot Area for each Additional Dwelling Unit) is a measure of residential density.

*Table 1. Minimum Lot Area by Zoning District.*

<b>Zoning District</b>	<b>Min Lot Area</b>	<b>Min lot area for single dwelling unit</b>	<b>Min lot area for each additional dwelling unit</b>
<b>Medium Density*</b>	8,000 sf	8,000 sf	5,400 sf
<b>High Density</b>	6,000 sf	6,000 sf	5,000 sf
<b>Downtown Transition</b>	8,000 sf	8,000 sf	5,400 sf

*\*In the Medium Density District, up to three dwelling units per lot are allowed.*

The intent of the MD and HD districts are to provide for medium intensity and high intensity residential development, respectively. The intent of the DT-T District is to accommodate a variety of residential, open space, and other low intensity uses in a mixed-use environment of attached and detached structures. Development within the DT-T District is intended to complement and transition into existing residential neighborhoods adjacent to downtown Keene. All three districts require city water and sewer service.

Table 2 shows the permitted uses within each district. The MD District allows 14 uses (8 “by right”), HD allows 19 uses (8 “by right”), and DT-T allows 15 uses (9 “by right”). These include a mix of residential, commercial, institutional, congregate living/social services, open space, and infrastructure uses.

Table 2. Permitted uses by zoning district.

<b>Residential Uses</b>	<b>MD</b>	<b>HD</b>	<b>DT-T</b>
Dwelling, Above Ground Floor	P	P	P
Dwelling, Multifamily	P <sup>1</sup>	P	P
Dwelling, Single Family	P	P	P
Dwelling, Two-Family/Duplex	P	P	P
<b>Commercial Uses</b>	<b>MD</b>	<b>HD</b>	<b>DT-T</b>
Bed and Breakfast	-	SE	P <sup>1</sup>
Funeral Home	-	-	P
Neighborhood Grocery Store	CUP	SE, CUP	-
Office	CUP	CUP	P
Private Club/Lodge	-	-	SE
Restaurant	CUP	CUP	-
Retail Establishment, Light	CUP	CUP	-
<b>Institutional Uses</b>	<b>MD</b>	<b>HD</b>	<b>DT-T</b>
Community Center	-	-	SE
Cultural Facility	-	-	SE
Day Care Center	CUP	CUP	SE
Senior Center	-	SE	SE
<b>Congregate Living / Social Service Uses</b>	<b>MD</b>	<b>HD</b>	<b>DT-T</b>
Domestic Violence Shelter	P <sup>1</sup>	P <sup>1</sup>	-
Group Home, Large	-	CUP	-
Group Home, Small	CUP	CUP	CUP
Lodginghouse	-	CUP	-
Residential Care Facility	-	CUP	-
<b>Open Space Uses</b>	<b>MD</b>	<b>HD</b>	<b>DT-T</b>
Community Garden	P	P	P
Conservation Area	P	P	-
<b>Infrastructure Uses</b>	<b>MD</b>	<b>HD</b>	<b>DT-T</b>
Telecommunications Facilities	P <sup>1</sup>	P <sup>1</sup>	P <sup>1</sup>

P = Permitted

P<sup>1</sup> = Permitted with limitations per Article 8.

SE = Permitted by Special Exception

CUP = Permitted by Conditional Use Permit

### **Parcel Size Analysis**

The Medium Density District includes ~764 parcels of land. Of those properties, approximately 414 (~53%) are conforming with respect to the current minimum lot area requirement. If the “Min Lot Area for Each Additional Dwelling Unit” requirement is removed and the lot size were to remain at 8,000 square feet, approximately 118 parcels of land (~15%) would become conforming with respect to lot area and about 232 (~30%) would remain nonconforming.

The High-Density District includes 537 parcels of land, and of those, about 272 (~51%) are conforming with respect to the current minimum lot area requirements. If the “Min Lot Area for Each Additional Dwelling Unit” requirement is removed and the lot size were to remain at 6,000 square feet, ~157 (%) would become conforming with respect to lot area and about 108 (~20%) would remain nonconforming.

The Downtown Transition District contains 96 parcels of land, and of those, ~38 (~40%) are conforming with respect to the current minimum lot area requirement. If the “Min Lot Area for Each Additional Dwelling Unit” requirement is removed and the lot size were to remain at 8,000 square feet, approximately 29 parcels of land (~30%) would become conforming with respect to lot area and about 29 (~30%) would remain nonconforming.

### **Discussion**

The residential density factor for the HD, MD, and DT-T districts can add significant cost and/or time to proposals for more than one dwelling unit and can prevent existing lots (developed or otherwise) from adding new residential units without seeking relief from zoning. For example, if a property owner wanted to convert a two-unit building into a three unit building in the Medium Density District, the lot would need to be at least 18,800 square feet in size, even if the owner was not proposing to increase the total square foot area of the building.

This ordinance proposes to remove the density factor per dwelling unit to encourage more efficient use of land and remove a barrier to incremental residential infill opportunities. No changes are proposed to other dimensional standards, such as the maximum height, maximum impervious coverage, setbacks, and frontage required in these districts. In addition, the existing use standard for the Medium Density District which limits this use to no more than three dwelling units per lot would remain in place. Although this proposal would remove the residential density factor, density would still be limited by these other zoning dimensional requirements and use standard.

### **Consistency with the 2010 Comprehensive Master Plan**

The City of Keene’s Master Plan, which was adopted in 2010, states that housing needs will remain similar to current levels; however, in the 14 years since its adoption, conditions have changed significantly. The need for new housing supply is affecting many aspects of the Keene community, including older adults / empty nesters who do not have good options to downsize, young families that are unable to find housing to meet their growing families’ needs, businesses that struggle to attract and retain employees, young professionals that cannot find housing suitable for their lifestyle and needs, and people in the community who are housing insecure or homeless due to the low vacancy rates for both rental and for sale homes. The need for additional housing supply is well-documented in the recent [Housing Needs Assessment Report](#) that was accepted by City Council on June 15, 2023, which estimates that the City of Keene will need 1,400 new housing units built by 2033 to meet the projected need for new housing. This represents a growth rate of about 14%; however, the growth rate in new housing over the past 10 years was only about 4%.

Although the 2010 Comprehensive Master Plan does not contemplate a high need for new housing, it does explicitly state that residential infill development is a desirable and creative housing solution that *“if done well, can contribute greatly to keeping the small-town feel of Keene, while providing more housing choice and allowing people to live, work and play in the same community.”*

The Housing Chapter of the Master Plan includes a goal to “Provide a Balanced and Diverse Housing Stock.” Under this goal, the plan states *“Since most of the community’s available residentially zoned land has been developed, housing needs have to be addressed through infill development and the rehabilitation and redevelopment of existing stock.”*

Furthermore, this section states that *“Infill or redevelopment within existing neighborhoods should be built at a scale, density and character consistent with the existing development patterns. For example, in-law apartments or the conversion of a large home into condominiums can fit seamlessly into the built environment, without drastic change to the outward appearance; i.e., the large home could still appear to be a single-family residence. This type of residential infill allows for a change in density, not a change in intensity of residential use, which in turn supports the community’s goal to create a compact, walkable community and provide choice in housing.”*

This ordinance is directly aligned with the recommendations in the 2010 Master Plan to focus on residential infill because it would allow for a higher density of residential development to occur in areas of the city where residential neighborhoods already exist and where city water and sewer service is provided.



# APPLICATION TO AMEND THE ZONING ORDINANCE

Petitioner: Community Development Department Date: September 17, 2024

Address: 3 Washington St. Keene NH

Telephone: (603) 352-5440 Email: communitydevelopment@keenenh.gov

Existing Section Reference in Chapter 100, Land Development Code: 3.5.2; 3.6.2; 4.6.1

Does the amendment affect "Minimum Lot Size"?  Yes  No

Does the amendment affect "Permitted Uses"?  Yes  No

Number of parcels in Zoning District\*: HD: ~773  
MD: ~787  
DT-T: 96 tes  
Validation of Number of parcels by the  
Community Development Department

Mari Bruner  
Petitioner's Signature

### SUBMITTAL REQUIREMENTS WHICH MUST BE COMPLETE AT TIME OF SUBMISSION TO THE CITY CLERK:

- A properly drafted Ordinance containing the amendment in a form meeting the requirements of the City Clerk.
- A typed or neatly printed narrative explaining the purpose of, effect of, and justification for the proposed change(s).
- \$100.00 application fee.
- As provided for in RSA 675:7, if the proposed amendment would change the minimum lot sizes or the permitted uses in a zoning district, **\*and such change includes 100 or fewer properties**, the Petitioner shall submit a notarized list of property owners affected by the zoning amendment. The list shall include the tax map number and address of each abutter or owner, and must be current with the Assessing Department's records within ten days of submittal. Two sets of mailing labels shall be provided.

Date Received by City Clerk: \_\_\_\_\_ Ordinance Number: \_\_\_\_\_

On City Council agenda: \_\_\_\_\_ Workshop to be held: \_\_\_\_\_

Public Hearing to be held \_\_\_\_\_

**CITY OF KEENE**  
**NEW HAMPSHIRE**

**O-2024-17 Relating to Minimum Lot Sizes in the High Density, Medium Density, and Downtown Transition Districts.**

This Ordinance proposes to amend the minimum lot size in the High-Density District, Medium Density District, and the Downtown Transition District to remove the minimum lot area required for each additional dwelling unit after the first dwelling unit. The intent of the proposed change is to reduce barriers for housing development and increase the number of conforming lots in these districts.

The attached materials include the full text of Ordinance O-2024-17 and excerpted sections of the City of Keene Land Development Code that are proposed to be amended with Ordinance O-2024-17. Text that is highlighted in yellow and bolded is proposed to be added, and text that is stricken through is proposed to be deleted.

**CITY OF KEENE**  
**NEW HAMPSHIRE**

**O-2024-17 Relating to Minimum Lot Sizes in the High Density, Medium Density, and Downtown Transition Districts.**

This Ordinance proposes to amend the minimum lot size in the High-Density District, Medium Density District, and the Downtown Transition District to remove the minimum lot area required for each additional dwelling unit after the first dwelling unit. The intent of the proposed change is to reduce barriers for housing development and increase the number of conforming lots in these districts.

The attached materials include the full text of Ordinance O-2024-17 and excerpted sections of the City of Keene Land Development Code that are proposed to be amended with Ordinance O-2024-17. Text that is highlighted in yellow and bolded is proposed to be added, and text that is stricken through is proposed to be deleted.





# CITY OF KEENE

In the Year of Our Lord Two Thousand and Twenty Four

AN ORDINANCE Relative to Minimum Lot Sizes in the Medium Density, High-Density, and Downtown Transition Districts

***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, New Hampshire, as amended, is hereby further amended by deleting the stricken text, as follows:

1. That Section 3.5.2 “Dimensions & Siting” of Article 3 be amended to remove the minimum lot area required per dwelling unit, as follows:

Min Lot Area	8,000 sf
<del>Min lot area for single dwelling unit</del>	<del>8,000 sf</del>
<del>Min lot area for each additional dwelling unit</del>	<del>5,400 sf</del>
Min Lot Width at Building Line	60 ft
Min Road Frontage	50 ft
Min Front Setback	15 ft
Min Rear Setback	15 ft
Min Side Setback	10 ft

2. That Section 3.6.2 “Dimensions & Siting” of Article 3 be amended to remove the minimum lot area required per dwelling unit, as follows:

Min Lot Area	6,000 sf
<del>Min lot area for single dwelling unit</del>	<del>6,000 sf</del>
<del>Min lot area for each additional dwelling unit</del>	<del>5,000 sf</del>
Min Lot Width at Building Line	50 ft
Min Road Frontage	50 ft
Min Front Setback	15 ft
Min Rear Setback	15 ft
Min Side Setback	10 ft

3. That Section 4.6.1 “Dimensions & Siting” of Article 4 be amended to remove the minimum lot are required per dwelling unit, as follows:

Min Road Frontage	50 ft
Min Lot Area	8,000 sf
<del>Min lot area for single dwelling unit</del>	<del>8,000 sf</del>
<del>Min lot area for each additional dwelling unit</del>	<del>5,400 sf</del>
Min Lot Width	60 ft
Min Front Setback	15 ft
Min Corner Side Setback	10 ft
Min Interior Side Setback	10 ft
Min Rear Setback	15 ft

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Jay Kahn, Mayor

### 3.5 MEDIUM DENSITY (MD)

#### 3.5.1 Purpose

The Medium Density (MD) District is intended to provide for medium intensity residential development and associated uses. All uses in this district shall have city water and sewer service.

#### 3.5.2 Dimensions & Siting

<b>Min Lot Area</b>	8,000 sf
<i>Min lot area for single dwelling unit</i>	<del>8,000 sf</del>
<i>Min lot area for each additional dwelling unit</i>	5,400 sf
<b>Min Lot Width at Building Line</b>	60 ft
<b>Min Road Frontage</b>	50 ft
<b>Min Front Setback</b>	15 ft
<b>Min Rear Setback</b>	15 ft
<b>Min Side Setback</b>	10 ft

#### 3.5.3 Buildout

<b>Max Building Coverage</b>	45%
<b>Max Impervious Coverage</b>	60%
<b>Min Green / Open Space</b>	40%

#### 3.5.4 Height

<b>Max Stories Above Grade</b>	2
<b>Max Building Height</b>	35 ft

#### 3.5.5 Permitted Uses

RESIDENTIAL USES		SECTION
Dwelling, Above Ground Floor	P	8.3.1.A
Dwelling, Multifamily	P <sup>1</sup>	8.3.1.C
Dwelling, Single-Family	P	8.3.1.D
Dwelling, Two-Family / Duplex	P	8.3.1.E
COMMERCIAL USES		SECTION
Neighborhood Grocery Store	CUP	8.3.2.U
Office	CUP	8.3.2.V
Restaurant	CUP	8.3.2.AB
Retail Establishment, Light	CUP	8.3.2.AD
INSTITUTIONAL USES		SECTION
Day Care Center	CUP	8.3.3.C
CONGREGATE LIVING / SOCIAL SERVICES USES		SECTION
Domestic Violence Shelter	P <sup>1</sup>	8.3.4.A
Group Home, Small	CUP	8.3.4.F
OPEN SPACE USES		SECTION
Community Garden	P	8.3.6.B
Conservation Area	P	8.3.6.C
INFRASTRUCTURE USES		SECTION
Telecommunications Facilities	P <sup>1</sup>	8.3.7.E

P = Permitted  
P<sup>1</sup> = Permitted with limitations per Article 8.  
CUP = Permitted by Conditional Use Permit

### 3.6 HIGH DENSITY (HD)

#### 3.6.1 Purpose

The High Density (HD) District is intended to provide for high intensity residential development and associated uses. All uses in this district shall have city water and sewer service.

#### 3.6.2 Dimensions & Siting

<b>Min Lot Area</b>	6,000 sf
<i>Min lot area for single dwelling-unit</i>	6,000 sf
<i>Min lot area for each additional dwelling-unit</i>	5,000 sf
<b>Min Lot Width at Building Line</b>	50 ft
<b>Min Road Frontage</b>	50 ft
<b>Min Front Setback</b>	15 ft
<b>Min Rear Setback</b>	15 ft
<b>Min Side Setback</b>	10 ft

#### 3.6.3 Buildout

<b>Max Building Coverage</b>	55%
<b>Max Impervious Coverage</b>	75%
<b>Min Green / Open Space</b>	25%

#### 3.6.4 Height

<b>Max Stories Above Grade</b>	2
<b>Max Building Height</b>	35 ft

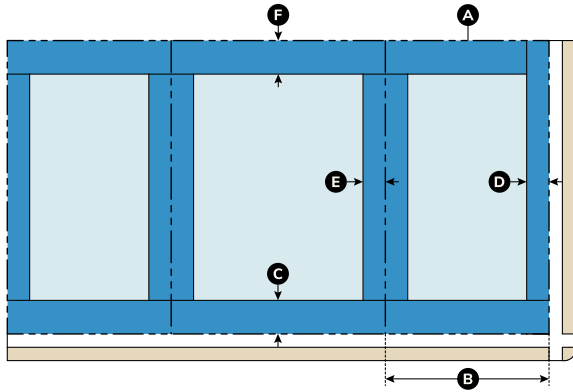
### 3.6.5 Permitted Uses

RESIDENTIAL USES		SECTION
Dwelling, Above Ground Floor	P	8.3.1.A
Dwelling, Multifamily	P	8.3.1.C
Dwelling, Single-Family	P	8.3.1.D
Dwelling, Two-Family / Duplex	P	8.3.1.E
COMMERCIAL USES		SECTION
Bed and Breakfast	SE	8.3.2.G
Neighborhood Grocery Store	SE, CUP	8.3.2.U
Office	CUP	8.3.2.V
Restaurant	CUP	8.3.2.AB
Retail Establishment, Light	CUP	8.3.2.AD
INSTITUTIONAL USES		SECTION
Day Care Center	CUP	8.3.3.C
Senior Center	SE	8.3.3.G
CONGREGATE LIVING / SOCIAL SERVICES USES		SECTION
Domestic Violence Shelter	P <sup>1</sup>	8.3.4.A
Group Home, Large	CUP	8.3.4.E
Group Home, Small	CUP	8.3.4.F
Lodginghouse	CUP	8.3.4.I
Residential Care Facility	CUP	8.3.4.J
OPEN SPACE USES		SECTION
Community Garden	P	8.3.6.B
Conservation Area	P	8.3.6.C
INFRASTRUCTURE USES		SECTION
Telecommunications Facilities	P <sup>1</sup>	8.3.7.E

P = Permitted  
P<sup>1</sup> = Permitted with limitations per Article 8.  
SE = Permitted by Special Exception  
CUP = Permitted by Conditional Use Permit

## 4.6 DOWNTOWN TRANSITION (DT-T)

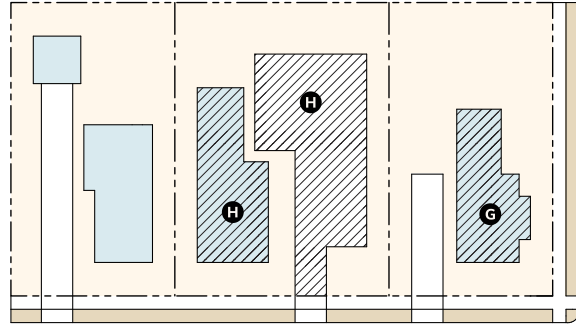
### 4.6.1 Dimensions and Siting



#### Dimensions and Siting

	Min Road Frontage	50 ft
<b>A</b>	Min Lot Area	8,000 sf
	Min lot area for single-dwelling unit	8,000-sf
	Min lot area for each additional dwelling unit	5,400-sf
<b>B</b>	Min Lot Width	60 ft
<b>C</b>	Min Front Setback	15 ft
<b>D</b>	Min Corner Side Setback <sup>1</sup>	10 ft
<b>E</b>	Min Interior Side Setback	10 ft
<b>F</b>	Min Rear Setback	15 ft

### 4.6.2 Buildout



#### Buildout

<b>G</b>	Max Building Coverage	50%
<b>H</b>	Max Impervious Surface Coverage	70%
	Min Green/Open Sapce	30%

**MEMORANDUM**

**To:** Joint Committee of the Planning Board and PLD Committee  
**From:** Evan J. Clements, AICP - Planner  
**Date:** November 4, 2024  
**Subject:** O-2024-19 Relating to Building Height in the Commerce District

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**Overview**

This Ordinance proposes to amend the maximum allowed building height in the Commerce District for all uses in the district. The proposal includes additional height allowances for Multifamily uses. The intent of the proposed change is to add flexibility for developing within the district and increase viability for large scale residential development in built up areas of the City.

**Background**

The maximum height allowed in the Commerce (COM) district is separated by building height and stories above grade as shown in Table 1. Two stories or 35 ft is allowed by right, and additional height is allowed with design decision related to stepbacks and building setbacks. The additional requirements are in place to reduce the intensity of taller buildings on surrounding properties.

*Table 1. Existing Max Height in the Commerce District.*

<b>Max Stories Above Grade</b>	<b>Max Building Height</b>	<b>Additional Requirements</b>
<b>2</b>	35 ft	None
<b>3</b>	42 ft	With an additional 10-foot front and side building setback, or a building height stepback of at least 10 feet. Stepback must occur above the ground floor.
<b>4</b>	56 ft	With an additional 20-foot front and side building setback, or a building height stepback of at least 20 feet. Stepback must occur above the ground story and no higher than the third story.

The intent for the COM district is to provide an area for intense commercial development that is accessed predominantly by vehicles. Shopping plazas and multiple businesses in one building would be typical in this district. All uses in this district are required to have city water and sewer service.

The COM district allows for 57 uses (50 “by right”) and includes residential, commercial, institutional, congregate living/social services, open space, and infrastructure uses. Table 2 shows the permitted uses within the district.

Table 2. Permitted uses by zoning district.

<b>RESIDENTIAL USES</b>		
Dwelling, Multi-family	P <sup>1</sup>	8.3.1.C
<b>COMMERCIAL USES</b>		<b>SECTION</b>
Animal Care Facility	P	8.3.2.B
Art Gallery	P	8.3.2.C
Art or Fitness Studio	P	8.3.2.D
Banking or Lending Institution	P	8.3.2.E
Bar	P	8.3.2.F
Car Wash	P	8.3.2.H
Clinic	P	8.3.2.I
Event Venue	P	8.3.2.J
Funeral Home	P	8.3.2.K
Greenhouse / Nursery	P	8.3.2.L
Health Center / Gym	P	8.3.2.M
Hotel/Motel	P	8.3.2.O
Micro-Brewery/Micro-Distillery/ Micro-Winery	P	8.3.2.Q-S
Motor Vehicle Dealership	P	8.3.2.T
Neighborhood Grocery Store	P	8.3.2.U
Office	P	8.3.2.V
Personal Service Establishment	P	8.3.2.W
Private Club / Lodge	P	8.3.2.X
Recreation/Entertainment Facility - Indoor	P	8.3.2.Y
Recreation/Entertainment Facility - Outdoor	P	8.3.2.Z
Research and Development	P	8.3.2.AA
Restaurant	P	8.3.2.AB
Retail Establishment, Heavy	P	8.3.2.AC
Retail Establishment, Light	P	8.3.2.AD
Self Storage Facility - Exterior Access	P	8.3.2.AE
Self Storage Facility - Interior Access	P	8.3.2.AF
Sexually Oriented Business	P <sup>1</sup>	8.3.2.AG
Specialty Food Service	P	8.3.2.AH
Vehicle Fueling Station	P <sup>1</sup>	8.3.2.AI
Vehicle Rental Service	P	8.3.2.AJ
Vehicle Repair Facility – Major	P <sup>1</sup>	8.3.2.AK
Vehicle Repair Facility – Minor	P <sup>1</sup>	8.3.2.AL
<b>INSTITUTIONAL USES</b>		<b>SECTION</b>
Community Center	P <sup>1</sup>	8.3.3.A
Cultural Facility	P <sup>1</sup>	8.3.3.B
Day Care Center	P	8.3.3.C
Place of Worship	P <sup>1</sup>	8.3.3.E

Private School	P <sup>1</sup>	8.3.3.F
Senior Center	P <sup>1</sup>	8.3.3.G

<b>CONGREGATE LIVING / SOCIAL SERVICES USES</b>		<b>SECTION</b>
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Domestic Violence Shelter	P <sup>1</sup>	8.3.4.A
Drug Treatment Clinic	CUP	8.3.4.B
Food Pantry	P	8.3.4.D
Group Resource Center	CUP	8.3.4.G
Homeless Shelter	CUP	8.3.4.H
Lodginghouse	CUP	8.3.4.I
Residential Care Facility	CUP	8.3.4.J
Residential Drug/Alcohol Treatment Facility	CUP	8.3.4.K

<b>INDUSTRIAL USES</b>		<b>SECTION</b>
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Artisanal Production	P <sup>1</sup>	8.3.5.A
Data Center	P	8.3.5.C
Industrial, Light	SE	8.3.5.E
Outdoor Storage Yard	P	8.3.5.F

<b>OPEN SPACE USES</b>		<b>SECTION</b>
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Conservation Area	P	8.3.6.C
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<b>INFRASTRUCTURE USES</b>		<b>SECTION</b>
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Solar Energy System (Small-Scale)	P <sup>1</sup>	8.3.7.A
Solar Energy System (Medium- Scale)	CUP	8.3.7.B
Telecommunications Facilities	P <sup>1</sup>	8.3.7.E

<b>TRANSPORTATION USES</b>		<b>SECTION</b>
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Parking Lot (Principal Use)	P <sup>1</sup>	8.3.8.A
Parking – Structured Facility (Principal Use)	P <sup>1</sup>	8.3.8.B

P = Permitted  
P<sup>1</sup> = Permitted with limitations per Article 8.  
SE = Permitted by Special Exception  
CUP = Permitted by Conditional Use Permit

### **Proposed Changes and Discussion**

This ordinance proposes to change the allowed maximum building height to be 3 stories or 42 feet “by right.” In addition, it proposes to add a use standard to “dwelling, multifamily” to allow this use to go up to six stories or 82 feet, so long as the following criteria are met:

- The ground floor along the street frontage shall be tenantable commercial space. This would allow for residential units on the ground floor, so long as the portion of the building façade along the street frontage includes tenantable commercial space.
- A 15-foot setback or building setback would be required. If the design utilizes the building setback option, the setback would need to occur above the ground floor and no higher than the fourth story of the building.
- If the use directly abuts an existing single-family or two-family use, a 50-foot side and/or rear setback from the common property line shall be required. This requirement is intended to prevent this use from drastically changing the scale of development in close proximity to existing single-family and two-family residences.

Prior to 2022, the allowed maximum height in the Commerce District was two stories or 35 feet. In July 2022, the maximum building height was increased as shown in Table 1. Since this change was made in 2022, the additional height allowances for the Commerce district have not been utilized. Comments received by staff from designers and potential land developers note that the provisions are confusing and impractical. These proposed changes intend to simplify the Commerce District height requirements for all development types and incentivize multifamily residential development to occur in this district up to six stories, with limitations.

### **Consistency with the 2010 Comprehensive Master Plan**

The City of Keene’s Master Plan, which was adopted in 2010, states that housing needs will remain similar to current levels; however, in the 14 years since its adoption, conditions have changed significantly. The need for new housing supply is affecting many aspects of the Keene community, including older adults / empty nesters who do not have good options to downsize, young families that are unable to find housing to meet their growing families’ needs, businesses that struggle to attract and retain employees, young professionals that cannot find housing suitable for their lifestyle and needs, and people in the community who are housing insecure or homeless due to the low vacancy rates for both rental and for sale homes. The need for additional housing supply is well-documented in the recent [Housing Needs Assessment Report](#) that was accepted by City Council on June 15, 2023, which estimates that the City of Keene will need 1,400 new housing units built by 2033 to meet the projected need for new housing. This represents a growth rate of about 14%; however, the growth rate in new housing over the past 10 years was only about 4%.

Although the 2010 Comprehensive Master Plan does not contemplate a high need for new housing, it does explicitly state that residential infill development is a desirable and creative housing solution that *“if done well, can contribute greatly to keeping the small-town feel of Keene, while providing more housing choice and allowing people to live, work and play in the same community.”*

The Housing Chapter of the Master Plan includes a goal to “Provide a Balanced and Diverse Housing Stock.” Under this goal, the plan states *“Since most of the community’s available*



*residentially zoned land has been developed, housing needs have to be addressed through infill development and the rehabilitation and redevelopment of existing stock.”*

In addition, the plan recognizes the growing “affordability gap,” or the difference between the actual median home price cost and what a median-income household can afford and recommends that the city should support creative means to expand affordable and workforce housing. Under the “Affordable Housing” section of the Housing Chapter, the plan specifically calls out changes to land-use regulations as a way to help create a market for developers to build more affordable housing through the provision of density bonuses or other incentives.

This ordinance is directly aligned with the recommendations in the 2010 Master Plan to focus on residential infill because it would allow for a higher density of residential development to occur in areas of the city where an intensity of the built form already exists, and large-scale apartment buildings would not overwhelm surrounding uses. In addition, it is aligned with the plan’s recommendations regarding affordable housing by allowing a developer the flexibility to design a project to a scale that offers a variety of unit sizes.

### **Housing Needs Assessment Background**

The 2023 Housing Needs Assessment Report included four implementation goals targeted to help position Keene to meet the community’s growing and changing housing needs. Strategy 3B of Goal 3 “Promote the Development of a Mix of Housing Types at a Variety of Price Points” suggests strategic zoning updates to further unlock housing opportunities. This proposal grew from conversations with property owners looking to redevelop but needed additional flexibility on building height in order to get the unit density required to make projects financially feasible.



APPLICATION TO AMEND THE ZONING ORDINANCE

Petitioner: Community Development Department Date: October 15, 2024

Address: 3 Washington St. Keene NH

Telephone: (603) 352-5440 Email: communitydevelopment@keenenh.gov

Existing Section Reference in Chapter 100, Land Development Code: 5.1.4; 8.3.1

Does the amendment affect "Minimum Lot Size"? [ ] Yes [x] No

Does the amendment affect "Permitted Uses"? [x] Yes [ ] No

Number of parcels in Zoning District\*: >100

Validation of Number of parcels by the Community Development Department

Mari Bruner
Petitioner's Signature

SUBMITTAL REQUIREMENTS WHICH MUST BE COMPLETE AT TIME OF SUBMISSION TO THE CITY CLERK:

- A properly drafted Ordinance containing the amendment in a form meeting the requirements of the City Clerk.
A typed or neatly printed narrative explaining the purpose of, effect of, and justification for the proposed change(s).
\$100.00 application fee.
As provided for in RSA 675:7, if the proposed amendment would change the minimum lot sizes or the permitted uses in a zoning district, \*and such change includes 100 or fewer properties, the Petitioner shall submit a notarized list of property owners affected by the zoning amendment. The list shall include the tax map number and address of each abutter or owner, and must be current with the Assessing Department's records within ten days of submittal. Two sets of mailing labels shall be provided.

Date Received by City Clerk: Ordinance Number:

On City Council agenda: Workshop to be held:

Public Hearing to be held

**CITY OF KEENE**  
**NEW HAMPSHIRE**

**O-2024-19 Relating to Amendments to the Land Development Code, Building Height in the Commerce District.**

This Ordinance proposes to modify the allowed height within the Commerce District to be three stories or 42 feet by right and incentivize multifamily residential development in the Commerce District by permitting a height of up to six stories or 82 feet for “dwelling, multifamily” with limitations. The increased height allowance for multifamily dwellings would only be allowed where the ground floor of the building along the street frontage is tenantable commercial space and with an increased front setback or building setback of 15 feet. In addition, if this use directly abuts an existing single-family or two-family property, a 50-foot side and/or rear building setback from the common property line would be required to mitigate the impact of the increased building height on neighboring uses.

The intent of these proposed changes is to simplify the Commerce District height requirements in Section 5.1.4 of the Land Development Code, which currently includes three height options that each have a separate setback and/or building setback requirement, and to incentivize multifamily residential development to occur in this district above the ground floor.

The attached materials include the full text of Ordinance O-2024-19 and excerpted sections of the City of Keene Land Development Code that are proposed to be amended with Ordinance O-2024-19. Text that is highlighted in yellow and bolded is proposed to be added, and text that is stricken through is proposed to be deleted.



# CITY OF KEENE

In the Year of Our Lord Two Thousand and Twenty Four

AN ORDINANCE Relating to Amendments to the Land Development Code, Building Height in the Commerce 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:

1. That Section 5.1.4 “Height” of Article 5 “Max Stories Above Grade” be amended as follows:
  - a. Max Stories Above Grade\* ~~2~~ **3**
  - b. ~~With an additional 10 foot front and side building setback, or a building height stepback of at least 10 feet. Stepback must occur above the ground floor.~~
  - c. ~~With an additional 20 foot front and side building setback, or a building height stepback of at least 20 feet. Stepback must occur above the ground story and no higher than the third story.~~
  
2. That Section 5.1.4 “Height” of Article 5 “Max Building Height” be amended as follows:
  - a. Max Building Height\* ~~35~~ **42ft**
  - b. ~~With an additional 10 foot front and side building setback, or a building height stepback of at least 10 feet. Stepback must occur above the ground floor.~~
  - c. ~~With an additional 20 foot front and side building setback, or a building height stepback of at least 20 feet. Stepback must occur above the ground story and no higher than the third story.~~
  
3. That Section 5.1.4 “Height” of Article 5 be amended to include a new footnote as follows:
  - a. **\*See Use Standard 8.3.1.C.2.c for additional height allowances for “Dwelling, Multifamily.”**
  
4. That Section 8.3.1 “Residential Uses” of Article 8, subsection C.2 Dwelling, Multi-Family Use Standards be amended to include new subsection “c” as follows:
  - a. **In the Commerce District, up to 6 stories or 82 ft of height is permitted so long as the ground floor along the street frontage shall be tenantable commercial space. An additional 15-foot front building setback or a building height stepback of at least 15 feet shall be required. The stepback must occur above the ground floor and no higher than the fourth story. If directly abutting a single family or two-family use, a 50ft side and/or rear building setback from the common property line shall be required.**



## 5.1 COMMERCE (COM)

### 5.1.1 Purpose

The Commerce (COM) District is intended to provide an area for intense commercial development that is accessed predominantly by vehicles. Shopping plazas and multiple businesses in one building would be typical in this district. All uses in this district shall have city water and sewer service.

### 5.1.2 Dimensions & Siting

<b>Min Lot Area</b>	15,000 sf
<b>Min Road Frontage</b>	50 ft
<b>Min Front Setback</b>	20 ft
<b>Min Rear Setback</b>	20 ft
<i>Min rear setback if abutting residential district</i>	50 ft
<b>Min Side Setback</b>	20 ft

### 5.1.3 Buildout

<b>Max Building Coverage</b>	80%
<b>Max Impervious Coverage</b>	80%
<b>Min Green / Open Space</b>	20%

### 5.1.4 Height

<b>Max Stories Above Grade<sup>a,b</sup> *</b>	<b>2 3</b>
<b>a</b> With an additional 10-foot front and side building setback, or a building height stepback of at least 10 feet. Stepback must occur above the ground floor.	<b>3</b>
<b>b</b> With an additional 20-foot front and side building setback, or a building height stepback of at least 20 feet. Stepback must occur above the ground story and no higher than the third story.	<b>4</b>
<b>Max Building Height<sup>a,b</sup> *</b>	<b>35 42ft</b>
<b>a</b> With an additional 10-foot front and side building setback, or a building height stepback of at least 10 feet. Stepback must occur above the ground floor.	<b>42 ft</b>
<b>b</b> With an additional 20-foot front and side building setback, or a building height stepback of at least 20 feet. Stepback must occur above the ground story and no higher than the third story.	<b>56 ft</b>

\* See Use Standard 8.3.1.C.2.c for additional Dwelling, Multifamily height allowances

## 5.1.5 Permitted Uses

RESIDENTIAL USES		
Dwelling, Multi-family	P <sup>1</sup>	8.3.1.C
COMMERCIAL USES		SECTION
Animal Care Facility	P	8.3.2.B
Art Gallery	P	8.3.2.C
Art or Fitness Studio	P	8.3.2.D
Banking or Lending Institution	P	8.3.2.E
Bar	P	8.3.2.F
Car Wash	P	8.3.2.H
Clinic	P	8.3.2.I
Event Venue	P	8.3.2.J
Funeral Home	P	8.3.2.K
Greenhouse / Nursery	P	8.3.2.L
Health Center / Gym	P	8.3.2.M
Hotel/Motel	P	8.3.2.O
Micro-Brewery/Micro-Distillery/ Micro-Winery	P	8.3.2.Q-S
Motor Vehicle Dealership	P	8.3.2.T
Neighborhood Grocery Store	P	8.3.2.U
Office	P	8.3.2.V
Personal Service Establishment	P	8.3.2.W
Private Club / Lodge	P	8.3.2.X
Recreation/Entertainment Facility - Indoor	P	8.3.2.Y
Recreation/Entertainment Facility - Outdoor	P	8.3.2.Z
Research and Development	P	8.3.2.AA
Restaurant	P	8.3.2.AB
Retail Establishment, Heavy	P	8.3.2.AC
Retail Establishment, Light	P	8.3.2.AD
Self Storage Facility - Exterior Access	P	8.3.2.AE
Self Storage Facility - Interior Access	P	8.3.2.AF
Sexually Oriented Business	P <sup>1</sup>	8.3.2.AG
Specialty Food Service	P	8.3.2.AH
Vehicle Fueling Station	P <sup>1</sup>	8.3.2.AI
Vehicle Rental Service	P	8.3.2.AJ
Vehicle Repair Facility – Major	P <sup>1</sup>	8.3.2.AK
Vehicle Repair Facility – Minor	P <sup>1</sup>	8.3.2.AL
INSTITUTIONAL USES		SECTION
Community Center	P <sup>1</sup>	8.3.3.A
Cultural Facility	P <sup>1</sup>	8.3.3.B
Day Care Center	P	8.3.3.C
Place of Worship	P <sup>1</sup>	8.3.3.E

## 8.3 PRINCIPAL USES

This section provides a definition for each of the uses identified in Table 8-1. Some uses may have limitations or conditions that are associated with them, which will be listed as use standards underneath the definition.

### 8.3.1 Residential Uses

#### A. Dwelling, Above Ground Floor

1. **Defined.** A dwelling unit that is located on the second story or higher of a building that is above ground.

#### B. Dwelling, Manufactured Housing

1. **Defined.** Any structure, transportable in one or more sections, which in the traveling mode is 8-body feet or more in width and 40-body feet or more in length or when erected on site is 320-sf or more, and which is built on a permanent chassis and is designed to be used as a dwelling with or without a permanent foundation when connected to required utilities, which include plumbing, heating and electrical systems contained therein. Manufactured housing is regulated by the U.S. Department of Housing and Urban Development via the National Manufactured Housing Construction and Safety Standards and is so labeled. Manufactured housing as defined in this section does not include campers or recreation vehicles as defined in NH RSA 216-l:1 or NH RSA 259:84-a; presite built housing as defined in NH RSA 674:31-a; or modular buildings as defined in NH RSA 205-C:1, XI.
2. **Use Standard.** Manufactured housing shall only be permitted if located within a manufactured housing park as defined in this Article.

#### C. Dwelling, Multi-family

1. **Defined.** A structure containing 3 or more dwelling units located on a single lot, with dwelling units either stacked or attached horizontally, which is designed, occupied, or intended for occupancy by 3 or more separate families.
2. **Use Standards**
  - a. In the Medium Density District, no more than 3 dwelling units are allowed per lot.
  - b. In the Downtown Core District, Downtown Growth District, and Commerce District, dwelling units shall be located above the ground floor.
  - c. **In the Commerce District, up to 6 stories or 82ft of height is permitted so long as the ground floor along the street frontage shall be tenantable commercial space. An additional 15-foot front building setback or a building height stepback of at least 15 feet shall be required. The stepback must occur above the ground floor and no higher than the fourth story. If directly abutting a single family or two-family use, a 50ft side and/or rear building setback from the common property line shall be required.**

#### D. Dwelling, Single-Family

1. **Defined.** A free-standing building containing only 1 dwelling unit on a single lot, which is designed, occupied, or intended for occupancy by 1 family.

#### E. Dwelling, Two-Family / Duplex

1. **Defined.** One building on a single lot containing 2 independent dwelling units, which is designed, occupied or intended for occupancy by 2 separate families.

#### F. Manufactured Housing Park

1. **Defined.** Any parcel of land under single