



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

Monday, December 9, 2024

6:30 PM

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

### A. AGENDA ITEMS

1. Roll Call
2. Approval of Meeting Minutes – November 12, 2024
3. Public Workshops:
  - a. **Ordinance – O-2024-24 – Relative to Interior Side Setback Requirements in the Downtown Edge District.** Petitioner, Jared Goodell, proposes to amend Section 4.4.1 of the Land Development Code to remove the 20’ minimum interior side setback requirement for parcels in the Downtown Edge District that directly abut a parcel located in the Downtown Transition District.
  - b. **Ordinance – O-2024-20 – Relative to Residential Parking Requirements.** Petitioner, City of Keene Community Development Department, proposes to amend Table 9-2 and Section 9.2.5.A.1 of the Land Development Code to modify the required number of parking spaces for residential uses and specify parking requirements for elderly and workforce housing in all zoning districts.
4. New Business
5. Next Meeting – January 13, 2025

### B. MORE TIME ITEMS

1. Short Term Rental Properties
2. Neighborhood / Activity Core areas (“Neighborhood Nodes”)
3. 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

Tuesday, November 12, 2024

6:30 PM

Council Chambers,  
City Hall

Planning Board

Members Present:

Harold Farrington, Chair  
Roberta Mastrogiovanni, Vice  
Chair  
Mayor Jay V. Kahn  
Armando Rangel  
Councilor Michael Remy, joined  
remotely  
Randyn Markelon, Alternate

Planning Board

Members Not Present:

Sarah Vezzani  
Ryan Clancy  
Kenneth Kost  
Michael Hoefler, Alternate  
Tammy Adams, Alternate  
Stephon Mehu, Alternate

Planning, Licenses &

Development Committee

Members Present:

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

Planning, Licenses &

Development Committee

Members Not Present:

Andrew Madison

Staff Present:

Mari Brunner, Senior Planner  
Evan Clements, Planner

9 **I) Roll Call**

10 Chair Bosley called the meeting to order at 6:30 PM and a roll call was taken. Randyn Markelon  
11 was invited to join the session as a voting member.  
12

13 **II) Approval of Meeting Minutes** – October 15, 2024

14 A motion was made by Councilor Jones that the Joint Committee approve the October 14, 2024  
15 meeting minutes. The motion was seconded by Councilor Haas and was unanimously approved.  
16

17 **III) Public Workshops:**

18 a. **Ordinance – O-2024-17 – Relative to minimum lot sizes in the High Density,**  
19 **Medium Density, and Downtown Transition Districts.** Petitioner, City of Keene Community  
20 Development Department, proposes to amend Section 3.5.2, Section 3.6.2, and Section 4.6.1 of  
21 the Land Development Code to remove the minimum lot area required for each dwelling unit

22 after the first dwelling unit in the High Density, Medium Density and Downtown Transition  
23 Districts.

24

25 Senior Planner Mari Brunner addressed the Board and stated removing barriers to address  
26 incremental infill development in built-out areas in the city has been discussed a few times. In  
27 the past, the discussion addressed medium and high-density districts. When staff did a review  
28 and looked at areas with a density factor, they identified a third district, which is the Downtown  
29 Transition District.

30

31 She noted the proposal is to remove the density factor from these districts and referred to a map.  
32 The area in green is the High Density District, allowing multi-family residential. The area in  
33 orange is the Medium Density District, allowing up to three units on a single lot. The area in  
34 yellow is the Downtown Transition District. The intent of the Downtown Transition District is to  
35 transition from the uses downtown to residential neighborhoods, which are less intense than  
36 downtown uses. Downtown Transition allows a mix of uses, such as residential and office, open  
37 space, and other low intensity commercial uses.

38

39 In the Medium Density District, about 764 parcels of land were identified. Each parcel is limited  
40 to three dwelling units per lot. The minimum lot size in this district is 8,000 square feet for any  
41 use and for each additional residential unit you need an additional 5,400 square feet. This  
42 requirement applies even for an internal conversion that adds a unit to an existing structure. Ms.  
43 Brunner noted that, based on current lot size requirements, about 47% of the lots in this district  
44 are non-conforming with respect to the minimum lot size. If this proposed change is approved,  
45 and the density factor is removed but the minimum lot area is set at 8,000 square feet, the  
46 number of non-conforming lots in the Medium Density District would go down to 30%. She  
47 added however, some of these lots could be legally non-conforming.

48

49 With respect to land uses, the majority of uses in the Medium Density District are single family  
50 (61%), two family (25%), multi-family (8%), non-residential (1%) and about 5% are vacant.

51

52 The High Density District includes all of Keene State College and for this analysis the entire  
53 campus area was counted as one property. If you just look at parcels of land, High Density has  
54 537 parcels of land. This district does not have a cap on the number of units, but the minimum  
55 lot size is 6,000 square feet, and each additional dwelling unit would require an additional 5,000  
56 square feet. This is the most densely developed area for residential development. About 49% of  
57 the parcels in this district are non-conforming with respect to minimum lot size. However, if this  
58 proposal is approved and the minimum lot size is reduced to 6,000 square feet, that number  
59 would drop to 20%.

60

61 With respect to land uses, single family is the most common use (39%), next is two family  
62 (25%), multi-family (23%), non-residential, such as schools, college, municipal facilities and  
63 commercial uses (6%) and about 7% are vacant.

64

65 The Downtown Transition District is by far the smallest district that would be impacted by this  
66 proposal. It only has about 96 parcels of land.

67

68 This district is adjacent to the downtown districts on one side and residential districts, including  
69 Low Density, Residential Preservation, and High Density. There is currently no limit to the  
70 number of dwelling units per lot. It has the same requirements as Medium Density District with  
71 respect to lot size (8,000 square foot minimum lot size). An additional 5,400 square feet for each  
72 additional unit beyond the first unit is required. About 60% of the parcels in this district are  
73 currently non-conforming with respect to lot size. If the density factor is removed, that number  
74 would go down to 30%.

75

76 Ms. Brunner noted the Downtown Transition District has the widest variety of uses, which is  
77 consistent with the fact that it is not technically a residential district. The mix of uses includes  
78 single family (15%), two family (19%), multifamily (28%), non-residential (31%), mixed-use  
79 (5%), and 2% is vacant.

80

81 Ms. Brunner stated staff did a rudimentary impact analysis of the data to determine what the  
82 development potential could be before and after this change in the Medium Density District. She  
83 indicated what they saw was doubling of the number of units that could be built in the Medium  
84 Density District (not accounting for other development constraints, such as topography and other  
85 dimensional requirements in the zoning code).

86

87 She added no other zoning requirements are being proposed to be changed such as impervious  
88 coverage, setbacks, height limitations which are some of the items that would control density  
89 should this proposal go through.

90

91 This concluded staff comments.

92

93 Councilor Jones noted some of these districts might have 79-E and some might have TIF  
94 Districts which could be incentives for development. He asked staff whether they know what  
95 those are. Ms. Brunner stated she wasn't sure exactly where those districts were, but there are  
96 some TIF Districts that are inactive. Ms. Brunner asked Med Kopczynski to weigh in on this  
97 issue. Mr. Kopczynski stated there are three or four TIF Districts, most of them are in the  
98 downtown. Mr. Kopczynski went on to say 79 E mostly is what we would consider the  
99 traditional downtown, and down Marlboro Street. There has been discussions about expanding it.  
100 He indicated he would be bringing forward very soon a change to the map with the 79 E  
101 Resolution; it still refers to the old downtown as opposed to the new downtown. He felt this  
102 would be an opportunity to begin a conversation about expanding the traditional 79 E district,  
103 which is related to what we consider downtown. There are also two other sections of 79 E that  
104 the city has never adopted. One of which is a rehabilitation use of 79 E. The other is a housing  
105 opportunity zone, for brand new housing. Councilor Jones stated he raised this as there might be  
106 an opportunity to combine these two items in the future.

107

108 Councilor Haas asked for explanation as to what 79E was. Ms. Brunner stated it is a tax  
109 incentive program where an applicant would apply for tax relief for a certain number of years.  
110 The municipality would freeze the tax assessment for that parcel before a project gets finalized.  
111 There is a certain amount of time the freeze is allowed to remain. Eventually the parcel will catch  
112 back up to current assessment based on the improvements, but that period of relief can be used as  
113 part of a pro forma to make a project more viable.

114 The Mayor noted 79E is a state statute and the period of time is five years. In some instances, it  
115 can be extended to 10 years.

116  
117 Mayor Kahn referred to the Medium Density District and noted that, if the 5,400 square foot  
118 requirement was eliminated for each additional unit, this could apply within an existing footprint,  
119 where a third story is added to an existing two story unit. Another instance where this might  
120 apply is adding an ADU to a two-story building and asked for staff's clarification. Ms. Brunner  
121 stated that could be correct depending on the district; there might be a limitation on whether you  
122 can have more than one residential unit per lot in that district. Evan Clements, Planner, referred  
123 to the city definition for dwelling, multifamily: *a structure containing three or more dwelling*  
124 *units located on a single lot with dwelling units either stacked or attached horizontally, which is*  
125 *designed, occupied or intended for the occupancy of three or more separate families.*

126  
127 He stated the definition for multifamily clearly states it has to be for one building. Hence, a  
128 duplex within a detached third unit would not meet the city's definition for dwelling,  
129 multifamily. Chair Bosley added even though the City allows for detached ADUs, you cannot  
130 add an ADU to a two family building. Mr. Clements agreed and added ADUs are exclusively for  
131 a single family.

132  
133 Chair Bosley asked for public comment but noted this is not a formal public hearing.

134  
135 Mr. Josh Meehan of 65 Langley Road in Keene stated the housing crisis continues to be pretty  
136 profound for people at all income levels. He indicated he works for Keene Housing. He thanked  
137 city staff for working so hard to try and find ways for Keene Housing to be able to serve their  
138 population and to build more housing that is desperately needed in our community.

139  
140 Mr. Tom Savastano of 75 Winter Street in Keene addressed the Committee and stated his  
141 property is located in the Downtown Transition District. Mr. Savastano stated his first concern is  
142 with the look and feel of ADUs within Keene's older neighborhoods. He referred to O-2023-06  
143 which indicates that ADUs must be under the same ownership as the primary lot. They can be  
144 either attached or detached. They cannot exceed 1000 square feet of floor space. There is only  
145 one parking space required for an ADU and they are subject to the district's dimensions, siting,  
146 buildout and height restrictions, and cannot be closer than 10 feet to the property line.

147  
148 Chair Bosley indicated to Mr. Savastano that the ordinance that they are talking about is not  
149 specific to ADUs. What is being discussed tonight could be a single-family home where a second  
150 unit is added. It would not need to be owner occupied, and the unit would need to be attached.  
151 She indicated some of the things that Mr. Savastano is outlining would not necessarily apply to  
152 the changes that could happen if this ordinance is adopted. What is being discussed tonight is  
153 potential addition of new units to current buildings or lots. An ADU would be an option for a  
154 single-family home that is owner occupied, allowing for a second unit, whether attached or  
155 detached, for additional income or a family member, etc.

156 The proposed ordinance would allow a single-family home to be converted to a two family home  
157 or a two family home to be converted to a multi-family home. It does not require that any of  
158 those units on that property be occupied by the owner.

159

160 Ms. Brunner added in the High Density and Medium Density Districts, because those are  
161 residential districts, the code allows only one primary use per lot. Downtown Transition is not  
162 categorized as a residential district, so in the instance of the Downtown Transition District, you  
163 can have multiple buildings on a lot. For example, two duplexes on a lot would be allowed.

164  
165 Mr. Savastano stated another of his concerns the look of an ADU – would it fit within a historic  
166 district, especially in the Downtown Transition District, if it can be separate buildings and felt  
167 this should be considered. He stated he is also concerned about unintended results of changing  
168 the minimum lot size within the Downtown Transition District for ADUs. He noted Downtown  
169 Transition is considered a low intensity district that helps the city’s appearance flow from  
170 downtown to residential. That low intensity is what its residents have advocated for years at  
171 council meetings and also before the PLD Committee. He went on to say the residents want to  
172 preserve the look and feel of the neighborhood and accordingly, maintain property values.

173  
174 He noted in looking at the minutes for the last PLD Committee meeting, which were approved  
175 earlier, line 171 states *the Downtown Transition District, was described by staff as the same*  
176 *scheme as medium and High Density Districts* without any real justification, but stated he does  
177 not see it as the same scheme. What currently protects the Downtown Transition District low  
178 density usage is the minimum lot size requirements for additional dwelling units, which this  
179 proposal would drastically reduce.

180  
181 He went on to say staff in their presentation had indicated the Medium Density District has a  
182 limit of three dwelling units per lot and that would remain in place with the proposed change. In  
183 the land use code, however, there is no similar stipulation for the Downtown Transition District,  
184 even though it also allows multifamily dwellings, but is a lower density district. Which means  
185 that while Medium Density is limited to three units, Downtown Transition does not have such a  
186 limitation, yet it is considered a low intensity usage rather than medium or high density.

187  
188 Mr. Savastano stated enacting this change in lot sizes for ADUs could unintentionally position  
189 the low density Downtown Transition District, to actually become a higher density than the  
190 Medium Density District. He stated his request to Council is dropping the Downtown Transition  
191 District from this proposal so that the minimum lot sizes will remain in place there and the  
192 historic look and feel of the district is maintained. ADUs would still be permitted there, but  
193 under those guidelines. He added if the minimum lot sizes are changed, then he felt at the  
194 minimum the low density Downtown Transition District should have the same limitation of three  
195 dwelling units that the Medium Density currently has. This concluded Mr. Savastano’s  
196 comments.

197  
198 Mr. Peter Espiefs of Middle Street stated the city has a historic district and felt it should be left as  
199 is. He stated he agrees with everything Mr. Savastano said.

200  
201 Mr. Kopczyński stated he was not present to advocate for anything, he was just here to observe.  
202 He stated he has been asked to look at housing opportunities in general and is interested in  
203 anything that can be done to increase housing. He stated he has been involved with zoning since  
204 1983. He stated in the zoning code when there are many non-conforming properties – there is a  
205 reason for it. He indicated this is common in older communities in New Hampshire and

206 Massachusetts - there is an imposition of zoning on top of existing land patterns. Many of these  
207 districts were settled with roadways and structures before zoning was effective or between  
208 zoning code changes.

209  
210 Mr. Kopczynski stated the city has an opportunity at least with Medium and High Density to do  
211 something about its non-conformities, recognizing that the existing land pattern is different than  
212 what is in the text.

213  
214 Ms. Hannah Maynard of 80 Roxbury Street in Keene addressed the committee and suggested  
215 that perhaps something to find a medium ground would be to go through with the proposal but  
216 add in a stipulation that you could not change the footprint of the dwelling which would still  
217 allow perhaps for an in law suite to be added to an attic which would prevent this  
218 proliferation of all these multifamily homes in neighborhoods that are used to having single  
219 family environment. She felt this would preserve for instance the look and feel of the historic  
220 district.

221  
222 Chair Bosley addressed the comments raised about the historic district and clarified that her  
223 understanding is that any additional buildings or changes that were made in the historic district  
224 would meet some sort of historic district guideline. Ms. Brunner stated this was true in the past  
225 but with the Land Development Code new construction of free-standing building does not have  
226 to go through historic district review. Additions to an existing structure would go through  
227 historic district review. The Chair felt this might be a way for the city to address some of the  
228 concerns for the Downtown Transition District. Ms. Brunner stated the other concern she heard  
229 was about limiting the number of units. She indicated the review staff did indicate that  
230 approximately 20% of lots in the Transition District have more than three units. She felt getting  
231 rid of the density factor but placing a limit on the number of units could be reasonable.

232  
233 Mr. Clements added in the historic district, the demolition of any building that is categorized as  
234 “Contributing” or “Primary” within the district is severely limited. This would require an  
235 applicant going to the Historic District Commission and providing an extraordinary reason for  
236 why the demolition of a Contributing or Primary Resource is necessary. He felt a developer  
237 coming into the historic district, purchasing an historic, character-defining home, and  
238 demolishing it would be difficult as there are significant barriers in place for that.

239  
240 Councilor Williams, with reference to limits for the Transition District, stated as a Council they  
241 have to make sure that the burden of increasing density is spread out across the City, so that one  
242 neighborhood does not get the brunt of it. He referred to the recent minimum change in the rural  
243 area, five acres to two acres and there was concern from abutters. However, he noted there is a  
244 need for housing. He added in the interest of fairness, the entire city needs to be ready to accept  
245 some increased population and increase to density. He stated the city needs make sure that every  
246 neighborhood plays its part.

247  
248 Chair Bosley agreed with the Councilor and stated when the Council was discussing other  
249 changes to density, neighborhoods were asking the Council to look at the downtown and try to  
250 concentrate development just in the downtown because that is where infrastructure is and that is  
251 where our services are. She felt each part of our city has a responsibility to play its part in this

252 process of relieving some of the strain and the stress of the housing crisis that we have been  
253 experiencing since Covid. She stated she does not see this as causing an influx of development to  
254 add apartments for relatives in the in the attic space because there is already an existing  
255 ordinance that allows people to do that by right. What this is hopefully going to do is provide  
256 housing for our working-class families in our community which is really needed right now. She  
257 added she was open to the idea in the Transition District making them (new units) attached and  
258 did not feel it was necessary to make the Transition District any different than it has been in the  
259 past as far as the number of units that have been allowed. This would preserve the historic  
260 component issue and added she does not see many lots in this district that would be allowed to  
261 build detached structures.

262  
263 Mayor Kahn stated he wanted to make sure the City was identifying the kinds of housing that are  
264 involved in the increase of conforming uses. He felt by staying within the footprint as it exists  
265 begins placing more housing in these districts into a conforming use and places everyone on  
266 equal ground and articulates proper use within these zones and moves the city in a direction of  
267 valuable future planning.

268  
269 Chair Bosley clarified from staff when properties are brought into conformity it gives property  
270 owners more opportunities to make changes and build on their own property. Ms. Brunner  
271 answered in the affirmative.

272  
273 Councilor Haas clarified if the lots were to remain at 8,000 square feet and if the requirement of  
274 added lot size is removed for adding additional square footage – it increases conformity in those  
275 district to 30% and asked whether this also takes into accounts things like setback. Ms. Brunner  
276 stated the change only addresses lot size it does not take into consideration things like setback.

277  
278 Councilor Haas further added that the building footprint is defined by the setbacks that exist now  
279 in the code and this won't change, so we are still going to have the same requirement for  
280 building footprints. Although someone who is constricted on their lot could utilize the space to  
281 the available footprint. He felt what is being proposed is a benefit and did not feel the ordinance  
282 change would change how we see the buildings as they exist now.

283  
284 Councilor Remy joined the session via zoom and indicated he is in a warehouse but wasn't alone  
285 in the warehouse. Councilor Remy stated what is being proposed is a great idea and agrees with  
286 Councilor Williams that the city needs to make the increase to density spread throughout the city.

287  
288 Ms. Brunner added in listening to the conversation regarding building footprint versus property  
289 footprint – she referred to a graphic from the land development code and referred to the dotted  
290 lines which refer to the outline of different parcels. She noted the hatched areas are the parking  
291 areas and the square ones are the building footprints. What she understands is that a member of  
292 the public had suggested is that developers be limited to staying within the existing building  
293 footprint. Councilor Bosley stated this is what she understood as well but what the Committee is  
294 saying is that as long as it is attached and meets the other guidelines by code, it is allowed.

295  
296 The Mayor clarified when a building moves from non-conforming to conforming it would ease  
297 the process of adding to the footprints as long as they met the other guidelines. The Chair noted



298 if there is a non-conforming lot it would prevent an applicant from obtaining a building permit  
299 for certain changes. Ms. Brunner agreed and added if you have a substandard lot that is only  
300 4,000 square feet where you need at least 6,000 square feet, you wouldn't be able to necessarily  
301 build on that lot without getting relief from the Zoning Board.

302  
303 The Mayor stated he was trying to understand attached versus existing footprint. Chair Bosley  
304 explained if you have an existing footprint of a home on a lot, this ordinance would not prevent  
305 you from constructing an addition to add a third unit. Someone could construct an addition to the  
306 back or side of the lot of their current building which would change the footprint of their home.  
307 This is not permission for people to be able to build to the edges of their lots – there will always  
308 be constraints in place. The constraints wouldn't be the underlying lot size, it would be other  
309 pieces of code that would be constraining the number of units that would be allowed.

310  
311 Ms. Brunner asked whether the committee wanted to create an A version or move it forward the  
312 way it is. She also asked whether the committee wished to review the changes at the workshop  
313 phase before it is moved forward to a public hearing. The Chair did not feel moving this to  
314 another workshop process was necessary.

315  
316 A motion was made by Chair Bosley to amend Ordinance O-2024-17 to create an A version  
317 which requires structures in the Downtown Transition District to be attached. The motion was  
318 seconded by Councilor Phil Jones and carried on a unanimous roll call vote by both bodies.

319  
320 A motion was made by Harold Farrington that the Planning Board find that Ordinance O-2024-  
321 17-A is consistent with the Comprehensive Master Plan. The motion was seconded by Roberta  
322 Mastrogiovanni and was unanimously approved by roll call vote.

323  
324 A motion was made by Councilor Phil Jones that the Planning Licenses Development Committee  
325 recommend that the Mayor set a public hearing on Ordinance O-2024-17-A. The motion was  
326 seconded by Councilor Williams and was unanimously approved.

327  
328 **b. Ordinance – O-2024-19 – Relative to Building Height in the Commerce District.**

329 Petitioner, City of Keene Community Development Department, proposes to amend Section  
330 5.1.4 of the Land Development Code (LDC) to modify the allowed height within the Commerce  
331 District to be three stories or 42 feet, and amend Section 8.3.1 of the LDC to incentivize  
332 residential development in the Commerce District by permitting a height of up to six stories or  
333 82 feet for “dwelling, multifamily” with limitations.

334  
335 Planner Evan Clements addressed the Committee. Mr. Clements stated before the Land  
336 Development Code was adopted, in the Commerce District, two stories or 35 feet, was allowed  
337 by right. With the adoption of the Land Development Code, some additional height allowances  
338 were granted within the district with certain conditions and limitations. How it is currently  
339 written is that you are allowed two stories or 35 feet by right, you can go up to three stories or 42  
340 feet with the additional 10-foot front and side building setbacks or a building height step back of  
341 at least 10 feet and a step back must occur above the ground floor.

342

343 Mr. Clements stated the building setback is your basic dimensional limitations on a lot. There are  
344 front yard setbacks, side yard setbacks and rear yard setbacks. A building step back is the  
345 staircase effect you see in some buildings. A building would go up, maybe one or two stories,  
346 then the third story will be offset farther away from the front of the primary facade of the  
347 building. It is kind of an architectural technique that reduces the looming intensity of a large  
348 building. Mr. Clements noted the proposal is to increase the number of stories by right to three  
349 stories or 42 feet across the board. Any permitted use within the Commerce District will now be  
350 able to go up to three stories.

351  
352 Staff is also proposing an amendment to the use standards for “dwelling, multifamily,” which is  
353 Article 8 of the Land Development Code to carve out additional height allowances for  
354 multifamily residential. The city already allows multifamily residential in the Commerce  
355 District, with the caveat that the dwelling units have to be above the ground floor;  
356 acknowledging that the Commerce District is still for commercial activity.

357  
358 He stated it is worth noting that after that change he just described earlier, which is currently on  
359 the books, this has never been taken advantage of in the almost three years that it has been  
360 allowed. The proposal allows up to three stories and then up to six for multifamily. Also, without  
361 the entire ground floor being commercial, it has also been specified that the front part of that  
362 project needs to be tenantable commercial space. The city wants to see commercial activity in  
363 this space but also want to supply flexibility to a potential developer to define what that is.

364  
365 Mr. Clements further stated the constraints for this six story or 82 foot residential project is  
366 including that step back of 15 feet – which is a minimum. The proposal is also making it location  
367 specific. If this parcel is adjacent to a residential use, that increases the building setback to 50  
368 feet from that shared property line. This is something new in the code. Currently, there are  
369 certain restrictions that are related to properties that are adjacent to a residential zoning district.  
370 However, staff wanted to be a little more conscientious. There are residential uses within the  
371 Commerce District at the present time but staff did not want to inadvertently locate a six-story  
372 building next to single family residences. Staff wanted to provide some additional protection to  
373 those situations by separating with additional distance.

374  
375 Mr. Clements stated many in the community have talked about densifying downtown – they  
376 want to see more intense tall buildings in the downtown, but he noted there is only so much  
377 development potential available in downtown. There is also the existing historic buildings that  
378 are at their structural limits and going taller is not feasible. There are also certain areas in the  
379 downtown with some limited opportunity that city staff is constantly trying to activate, but there  
380 are also parts of the urban compact that may be appropriate for taller, more intense development  
381 for residential. While there is no density limit, there are other limitations within the zoning  
382 ordinance that create density limits and height is one of them.

383  
384 Mr. Clements stated at the present time, return on new construction is not very high; hence,  
385 allowing height with limitations just creates more opportunity. Mr. Clements stated the other  
386 thing staff is hearing a lot about is the availability of commercial space in the city at a rate that  
387 the commercial market in the city will tolerate. The price per square foot for new commercial is  
388 about \$25 per square foot, which is not what commercial tenants can afford at this time. He felt a

389 greater amount of residential units will actually offset that cost for new commercial space. So the  
390 city hopefully won't just get more housing units but will also create more commercial spaces for  
391 businesses. This concluded staff comments.

392  
393 The Mayor clarified parking is an allowable first floor use and when we define commerce,  
394 whether parking is a part of commerce. Mr. Clements stated parking would not be considered  
395 tenantable commercial space. As it is allowed now, to have the six stories, you would have to  
396 provide the tenantable commercial space on that ground floor. This doesn't mean you couldn't  
397 do parking behind the tenantable commercial space (on the ground floor of the building) instead  
398 of additional residential. There is a limitation in the Commerce District that says you can't have  
399 residential units on the ground floor. With this change, if you wanted six stories, you would have  
400 to do the tenantable commercial space on the ground floor, and then it would be the developer's  
401 choice what they did with the rest of the ground floor.

402  
403 The Mayor raised the issue about the 15 foot setback for commercial space, whether the  
404 developer has the option of having greater than 15 feet of setback for the entire building; to stay  
405 within one common footprint all the way. The Mayor asked in an instance like that is there a  
406 different setback than 15 feet. Ms. Clements stated instead of a building step back, they could  
407 instead take the entire building and push it back that additional 15 feet and then they could go  
408 flush all the way up. The standard front set back is 20 feet – so with a front set back of 35 feet  
409 (20 ft plus the additional 15 feet required), they can go all the way up six stories.

410  
411 The Mayor asked for clarification on parking. Mr. Clements explained with a six story  
412 multifamily building, a developer would be able to locate tenantable commercial space that is  
413 maybe like 20 feet deep into the building, they would then be allowed to put parking in the  
414 remaining like 30 or 40 feet of depth on that ground floor. Then they could go residential all the  
415 way up.

416  
417 The Chair questioned if it would create a negative burden on the community to have parking on  
418 some of these streets in the downtown on the first level? Or do you want that commercial  
419 facade? Does it detract from that area to have these parking garages on the 1st floor? Or do we  
420 want continuity of some commercial storefront view? She added as the committee is  
421 talking about changing the look and feel of some of these streets, for example on Avon Street it  
422 would be ok not to have tenantable commercial space, but on West Street, it might feel different  
423 to have a parking garage sitting right on West Street.

424  
425 Ms. Brunner stated staff has been hearing from a lot of businesses in the city who are either  
426 expanding or they are moving from their current location are struggling to find a place to  
427 relocate. As was mentioned by Mr. Clements, at the present time there is a lot of value in  
428 residential development compared to commercial development, so staff did not want to allow  
429 multi-family residential in the commercial district in a way that it could take over all the  
430 commercial property. She indicated there are only certain areas in the city where commercial  
431 uses are allowed.

432  
433 Chair Bosley stated for instance she would hate to see the ground floor of Gilbo Avenue turned  
434 into a parking garage; it would be great loss to the community. She stated her hope someday

435 would be for Main Street to the Colony Mill to feel connected and walkable. She referred to a  
436 presentation she had attended regarding walkable communities and what was indicated in that  
437 session is for example the Athens Pizza site, the building is not built to the sidewalk and this is a  
438 design flaw as people don't like to walk past parking lots – it is not a site meant for window  
439 shopping. She stated she agrees with staff we also don't want to cancel out commercial space  
440 that the city has by developers who are trying to make more money building residential, and then  
441 the city reduces the opportunity for our businesses to be able to remain here because we don't  
442 have a lot of space for them.

443  
444 Councilor Haas stated he likes the idea of requiring commercial on the 1st floor. This provides  
445 for small commercial spots which are much more usable than any large commercial entities.  
446 He referred to the Courtyard site which has five stories, the Colony Mill has 4.5 stories, and  
447 asked for the height of these buildings –whether they were ten or twelve foot floors. Mr.  
448 Clements stated they are about ten-foot floors. Average is about eight to ten feet per floor height.

449  
450 Councilor Jones referred to the comment about Gilbo Avenue and asked staff whether there was  
451 a way around that – there might be times when you don't want parking on the first floor.  
452 Ms. Brunner stated this ordinance is specific to the Commerce District and although it does not  
453 talk specifically about parking on the ground floor, it would be allowed. In the downtown  
454 districts there are pretty specific regulations around parking. Gilbo Avenue up to School Street is  
455 in downtown growth or downtown core, so they would have to comply with the form-based code  
456 standards and parking isn't allowed on the ground floor there today. Outside of the downtown  
457 districts, parking on the ground floor is allowed. In some districts if you locate parking on the  
458 ground floor, you can go up an extra story.

459  
460 With that the Chair asked for public comment on this ordinance.

461  
462 Mr. Kopczyński stated he has been working right now with two specific projects that are outside  
463 of the Commerce District which are in the downtown where the regulations have caused the  
464 project to cease. He stated he will be discussing this issue with staff to see what can be done to  
465 make those things more amenable. He stated what is being discussed today is actually opening  
466 the door for more opportunity for a specific purpose, which is housing. He stated the more  
467 opportunity we give people (design direction) without being locked in, the more actual  
468 development would occur.

469  
470 Ms. Hannah Maynard of 80 Roxbury Street addressed the committee next. She stated she lived in  
471 New York City for a long time and would welcome tall buildings in the downtown. Parking is  
472 not pretty but is something that you need. She stated she likes the idea of keeping the tenantable  
473 space which could add another element of walkability to the city.

474  
475 With no further comment, the Chair closed the public hearing.

476  
477 Councilor Jones stated he has always been an advocate of smart growth principles which is  
478 referenced in the master plan. He stated this ordinance addresses smart growth principles. He  
479 added he also likes that it helps incentivize by creating a return on the investment for builders.

480 The Councilor added if the city approves going up 82 feet this would also incentivize more of  
481 electronic infrastructure to be placed on top of these buildings which increases assessed value.

482  
483 Councilor Williams stated one aspect he likes about this ordinance is that it allows residential on  
484 the ground floor because these would be apartments you could access by a wheelchair.

485  
486 Councilor Haas stated he likes that this ordinance focuses on the Commerce District which  
487 would create a growth effect in the immediate area.

488  
489 Chair Farrington felt this is a smart approach to address some of the housing requirements.

490  
491 The Mayor stated there are ground floor uses for parking spaces. He felt on Gilbo Avenue,  
492 parking could be placed on the first floor at 20 foot setback. He felt this language is closing out  
493 that possibility. He stated he did not want developers to be constrained. Chair Bosley noted the  
494 ordinance does not prohibit on-site parking behind the building. She stated she might have  
495 confused things by including Gilbo Avenue in this conversation and noted Gilbo Avenue does  
496 sort of abut and turn the corner at commercial. But the lots that are primed for development on  
497 Gilbo Avenue are not in this district and fall under a different set of rules. However, the lots that  
498 would be impacted are all of West Street, Key Road, Ashbrook Court and then a lot of residential  
499 looking streets like Richardson Court, Pearl Street and Avon Street.

500  
501 The Chair stated she does not want to wipe out our commercial zone and make it a residential  
502 zone. She noted when you tip the scales so heavily and decide that residential is going to pay for  
503 a project to be viable, you then start to incentivize people to tear down commercial structures and  
504 replace them with these residential structures.

505  
506 The Mayor as an example referred to properties located on Richardson Court – he indicated  
507 wording in the first paragraph says “...*The increased height allowance for multifamily dwellings*  
508 *would only be allowed where the ground floor of the building along the street frontage is tenable*  
509 *commercial space.*” Chair Bosley referred to the car wash on West Street - someone could buy  
510 that car wash and tear it down and build a residential building – consisting of six stories. She  
511 used another example of a commercial space which could be torn down and turned into  
512 residential space and the owner could make a higher profit compared to its use as a commercial  
513 space. The Chair felt what the city doing is it is creating an unintended consequence and at some  
514 point there is going to be a line of businesses at City Hall wondering what happened to all the  
515 commercial properties as they have been turned into six story residential buildings with parking  
516 garages on the first floor. She stated she agrees with Mr. Kopczynski that the city should not  
517 create constraints on developers but it is also not the city’s job to create laws that have  
518 unintended consequences that could harm the city in the long run.

519  
520 Ms. Brunner referred to proposed language in the ordinance - Section 8. 3.1. - Residential Uses  
521 of Article 8, Subsection C2, would have a Use Standard which states that in the *Commerce*  
522 *District up to six stories or 82 feet of heights permitted so long as the ground floor along the*  
523 *street frontage shall be tenantable commercial space.*

524

525 Ms. Brunner stated to address the Mayor’s concern perhaps inserting the phrase – instead of  
526 *along the street frontage*, it could say *along the primary frontage* - this would address a corner  
527 lot or a lot that has streets on three sides. The Mayor was in agreement to this amendment.  
528

529 A motion was made by Mayor Jay Kahn that the Joint Committee amend Ordinance O-2024-19  
530 to an A version to replace *along the street frontage* with *along the primary frontage*. The motion  
531 was seconded by Councilor Phil Jones and was unanimously approved by roll call vote.  
532

533 Councilor Haas stated often these buildings are built in a podium style where the first couple  
534 floors might all be parking or with the commercial grade level frontage and then apartments  
535 above. He asked whether there is anything that prohibits parking above the first floor. Ms.  
536 Brunner stated parking structures are allowed in this district by right as a principal use.  
537

538 A motion was made by Harold Farrington that the Planning Board find that Ordinance O-2024-  
539 19-A is consistent with the Comprehensive Master Plan. The motion was seconded by Roberta  
540 Mastrogiovanni and was unanimously approved by roll call vote.  
541

542 A motion was made by Councilor Phil Jones that the Planning Licenses Development Committee  
543 recommend that the Mayor set a public hearing on Ordinance O-2024-19-A. The motion was  
544 seconded by Councilor Williams and was unanimously approved.  
545

546 **IV) Potential Sign Code Modifications**

547 Ms. Brunner stated in discussing this with the City Attorney, he advised that this committee  
548 does not have jurisdiction over this item yet because it was submitted as a letter requesting an  
549 ordinance. The way it is laid out in the regulations is that an ordinance has to be submitted and  
550 go to City Council for first reading before it comes to this public body. He recommended that  
551 the item go back to City Council and go through the process outlined in the LDC.  
552

553 A motion was made by Councilor Phil Jones that the Joint Committee send the item regarding  
554 Sign Code Modifications to City Council. The motion was seconded by Councilor Kate Bosley  
555 and was unanimously approved by roll call vote.  
556

557 **V) New Business**

558 None  
559

560 **VI) Next Meeting – December 9, 2024**  
561

562 There being no further business, Chair Bosley adjourned the meeting at 8:29 PM.  
563

564 Respectfully submitted by,  
565 Krishni Pahl, Minute Taker  
566

567 Reviewed and edited by,  
568 Mari Brunner, Senior Planner

**Ordinance Overview**

This Ordinance proposes to modify the minimum interior side setback for the Downtown Edge District to be 0 feet when abutting the Downtown Transition District, instead of 20 feet.

In rezoning decisions, the Board should consider and review the following:

- Existing and proposed zoning requirements;
- Surrounding land use and zoning patterns;
- Possible resulting impacts; and
- The consistency of the proposed rezoning request with the Master Plan.

**Background**

The Downtown Edge (DT-E) and Downtown Transition (DT-T) Districts both fall within the category of “downtown zoning districts,” which are detailed in Article 4 of the Land Development Code. There are a total of six downtown zoning districts, including Downtown Core and Downtown Growth (the highest density areas where the most intense development can occur), the Downtown Institutional District, which encompasses the portion of the Keene State College campus that interfaces with Main Street, and three “buffer” districts that are intended to transition from the downtown to the surrounding districts: Downtown Transition, Downtown Edge, and Downtown Limited. In general, the Downtown Transition District tends to be more residential in nature, the Downtown Edge District is more oriented towards commercial uses, and the Downtown Limited District includes a variety of civic and cultural uses mixed with commercial and high density residential development. Figure 1 depicts the downtown zoning districts in relation to the surrounding zoning districts.

The intent of the Downtown Edge District is to provide for a *“heterogeneous mix of commercial and residential uses and varied development forms including areas of both walkable development as well as more auto-oriented development at the edges of downtown Keene. This district accommodates this rich mixture, while providing for a transition into lower intensity commercial or residential development outside of the delineated downtown area.”*

The Downtown Transition District is intended 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.”*

The Downtown Edge District allows for a wide mix of uses (38 total), which are shown in Table 4-1 of the LDC. Most of these uses are allowed by right, with only one use requiring a special exception (SE) and three that require a conditional use permit (CUP):

- Dwelling, Above Ground Floor
- Dwelling, Multifamily
- Dwelling, Two-Family/Duplex
- Animal Care Facility
- Art Gallery
- Art or Fitness Studio
- Banking or Lending Institution
- Car Wash (by SE)
- Clinic
- Funeral Home
- Health Center/Gym
- Motor Vehicle Dealership
- Neighborhood Grocery Store
- Office

- Personal Service Establishment
- Private Club / Lodge
- Restaurant
- Retail Establishment, Light
- Self-Storage Facility – Interior Access
- Specialty Food Service
- Vehicle Repair Facility – Minor
- Community Center
- Cultural Facility
- Day Care Center
- Place of Worship
- Private School
- Senior Center
- Domestic Violence Shelter
- Food Pantry
- Group Resource Center (by CUP)
- Lodginghouse (by CUP)
- Residential Care Facility (by CUP)
- Artisanal Production
- Data Center
- Community Garden
- Solar Energy System (Small-Scale)
- Telecommunications Facilities
- Parking – Structured Facility

The Downtown Transition District allows for a total of 15 uses, over a third of which require a special exception or a conditional use permit:

- Dwelling, Above Ground Floor
- Dwelling, Multifamily
- Dwelling, Single-Family
- Dwelling, Two-Family/Duplex
- Bed and Breakfast
- Funeral Home
- Office
- Private Club / Lodge (by SE)
- Community Center (by SE)
- Cultural Facility (by SE)
- Day Care Center (by SE)
- Senior Center (by SE)
- Group Home, Small (by CUP)
- Community Garden
- Telecommunications Facilities

The table below compares the Dimensions and Siting standards for the DT-E and DT-T Districts. The Downtown Edge District is a form-based district with a build-to zone instead of a minimum front setback and corner side setback, and a 0 ft side and rear setback (except when adjacent to DT-T or residential zone). The DT-T District has conventional setbacks and also includes a density factor for residential development.

	<b>Downtown Edge (DT-E)</b>	<b>Downtown Transition (DT-T)</b>
<b>Min Lot Area</b>	10,000 sf	8,000 sf (8,000 sf for single dwelling unit, 5,400 sf for each additional dwelling unit)
<b>Min Lot Width</b>	50 ft	60 ft
<b>Front Setback</b>	0-20 ft Build-to-Zone	15 ft
<b>Corner Side Setback</b>	0-20 ft Build-to-Zone	10 ft
<b>Min Interior Side Setback</b>	0 ft, unless abutting residential district or DT-T District, then 20 ft	10 ft
<b>Min Rear Setback</b>	0 ft, unless abutting residential district or DT-T District, then 20 ft	15 ft



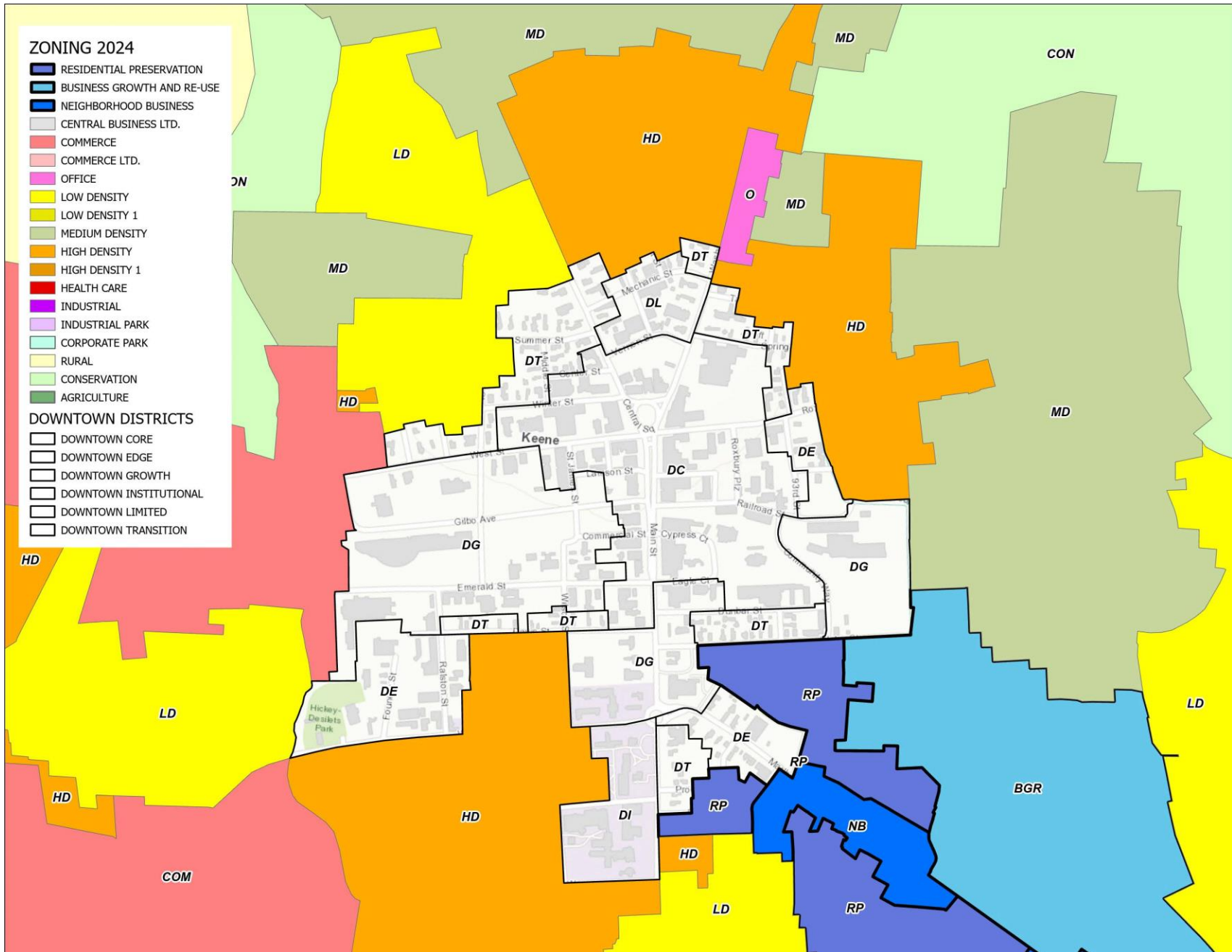


Figure 1. Zoning map of downtown Keene and surrounding zoning districts.

## Discussion

Throughout the zoning code, there are instances where increased setbacks are required for uses that are adjacent to a residential zoning district. In some instances, the Downtown Transition District is also called out along with residential zoning districts as requiring an increased setback. This is due to the residential nature of the Downtown Transition District, which includes a mix of residential, office, and other low intensity commercial and open space uses. The intent of these increased setbacks is to protect residential areas from being overwhelmed by higher intensity development. For example, in the Downtown Growth District, buildings can be 85 feet and 7 stories tall. An increase in the side and rear setback when abutting a residential district or the Downtown Transition District helps reduce the massing and towering effect of buildings in these higher intensity districts relative to adjacent structures.

While the Downtown Edge District does allow commercial uses, the built form of this district encourages buildings that are close to the street with a maximum height of 40 feet and 3 stories (there is no minimum height). The side and rear setbacks are both 0 feet, unless abutting a residential district or the DT-T district, in which case there is a 20-foot side setback and a 25-foot rear setback.

As discussed previously, both this district and the Downtown Transition District are intended to serve as buffers between the heart of the downtown and the surrounding districts. There are a few areas within the City where the Downtown Edge District abuts Downtown Transition; however, there is only one location where these two districts abut each other directly with no street separating them. This area, which is shown in Figure 2, encompasses four parcels of land.

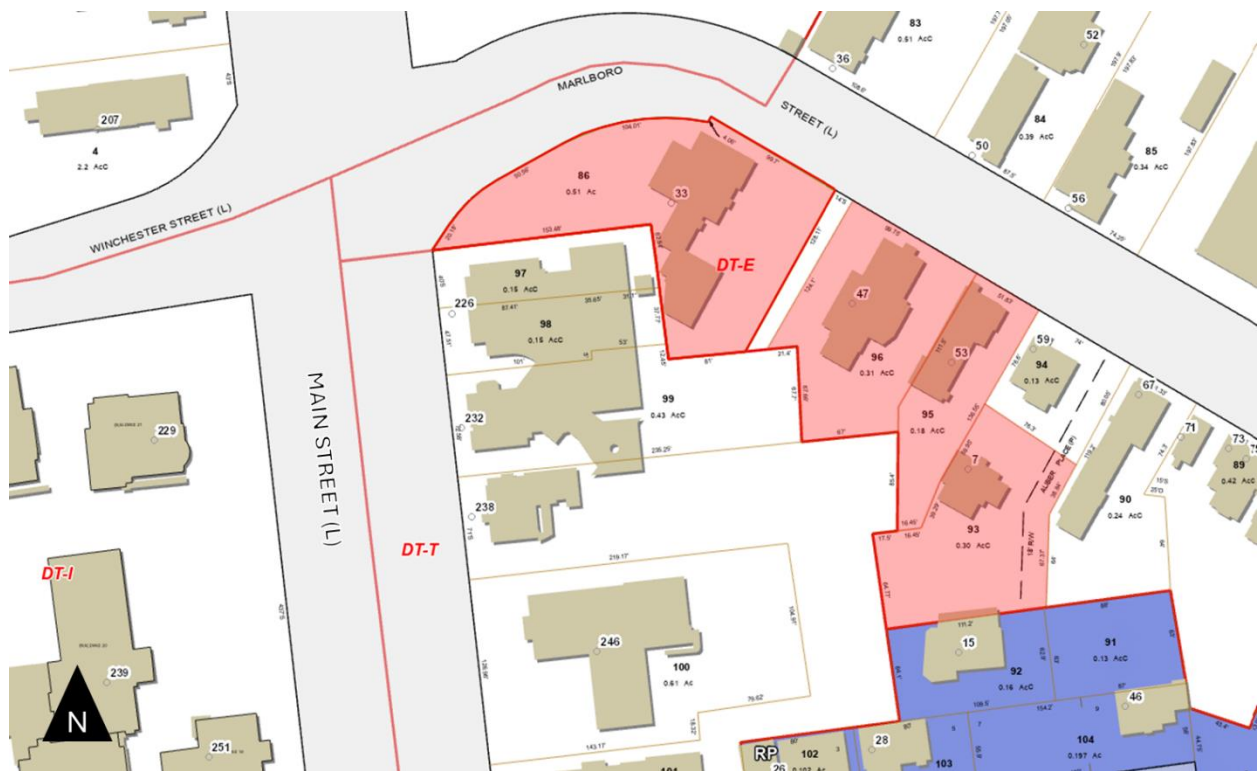


Figure 2. Image of Downtown Edge parcels, shown in red, which directly abut the Downtown Transition District.

### **Potential Impacts of the Proposed Change**

Both the DT-E and DT-T Districts are intended to transition from the downtown to lower intensity districts. The built form between these two districts differs slightly, with the DT-E District more compatible with a mix of pedestrian and automobile-oriented uses and a wider range of commercial uses than the DT-T District, which is more residential in nature with a built form that prioritizes pedestrian-scale development. The four parcels that are directly adjacent to the DT-T district abut either the side or rear of the DT-T parcels. If a building or structure is built on the property line, life safety codes (building and fire) would ensure that these buildings or structures are built so that they could safely be located immediately adjacent to another structure.

### **Consistency with the Master Plan**

The 2010 Comprehensive Master Plan identifies the area that would be impacted by this request as a primary growth area, specifically a “Traditional Neighborhood / Mixed-Use” area (Figure 3). The description of this area type is included below.

*“Traditional Neighborhood, Mixed-Use Areas and TDR Receiving Zone – These areas of the community are the most developed and the best able to accommodate carefully planned growth and density. These areas can be the target of the vast majority of new smart-growth residential and mixed-use development, but only with design standards to ensure that it maintains the quality of existing neighborhoods, blends seamlessly and transitions into the existing downtown, mitigates traffic and parking issues, and provides for a healthy diversity of the built form that respects Keene’s aesthetic appeal.*

*More focus on design details, compatibility with historic areas, provision of green space and quality of life within these areas are key elements for encouraging a population density consistent with the principles of smart growth. Opportunities exist to transfer development rights from Residential Conservation Development regions into these areas.”*

The Future Land Use section of the Master Plan indicates that this area is well-suited for increased growth and density, as long as attention is given to compatibility with existing neighborhoods. Reducing setbacks would encourage more density and allow developers / property owners more flexibility with placing structures on their lot.

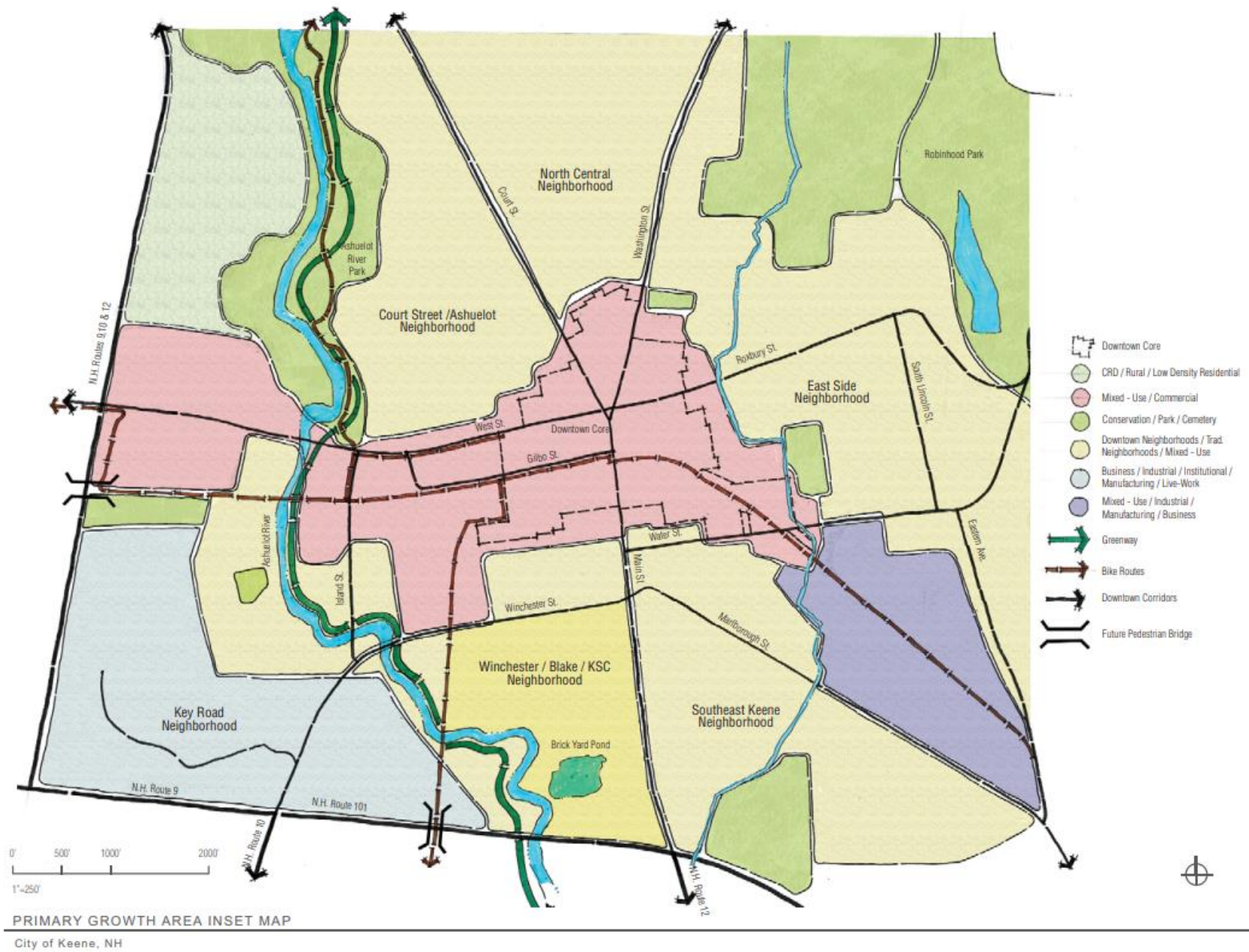


Figure 3. Primary Growth Area Inset Map for the City of Keene Future Land Use Map.

## MEMORANDUM

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

**From:** Mari Brunner, Senior Planner

**Date:** December 2, 2024

**Subject:** O-2024-20 Relating to Residential Parking Requirements

---

### Overview

This Ordinance proposes to modify the on-site parking requirements for residential uses in the Zoning Ordinance by changing from a “per unit” to a “per bedroom” calculation, with one exception. The change also includes separate parking space requirements for dwellings that qualify as Workforce Housing or Housing for Older Persons. For the Housing for Older Persons category, the calculation is based on a per unit instead of per bedroom calculation. The intent of these proposed changes is to bring the City of Keene’s Zoning Ordinance into compliance with recent changes to state law and reduce the cost of new housing development in the City. The proposed changes are aligned with the zoning recommendations in the City of Keene [Neighborhood Parking Report](#) that was prepared by Walker Consultants as part of an InvestNH HOP Grant to increase the supply of housing.

### Background

During the 2024 legislative season, [House Bill 1400](#) was passed which, among other things, limits restrictions that municipalities may place on required residential parking spaces. Specifically, this new law states that municipalities cannot require more than 1.5 parking spaces per unit for multifamily development of 10 units or more, and cannot require more than 1.5 parking spaces per unit for studio and 1-bedroom workforce units that are less than 1,000 sf. Workforce means units that cost 100% of the area median income (AMI) for a family of four for owner-occupied units, and 60% of AMI for a family of three for rental units. The new law also requires municipalities to consider alternative parking solutions and approve them if the applicant can demonstrate that the alternative parking solution will meet the parking demand created by the proposed residential use.

Currently, the City of Keene Zoning Regulations require two parking spaces per residential dwelling unit, with a few exceptions:

- No parking is required in the DT-C District.
- Only 1 parking space per unit is required in the DT-G and DT-L Districts.
- Only 1 parking space per unit is required for Accessory Dwelling Units (ADUs).
- A minimum of 1 parking space per unit and a maximum of 1 parking space per bedroom is required for Cottage Court developments.

The code is silent with respect to housing for older persons and workforce housing. However, the code does already allow for “Alternate Parking Requirements” (See Section 9.2.6 of the Land Development Code). The alternative parking options include an administrative parking reduction

of up to 10%, a major parking reduction request of up to 50%, a parking credit that allows existing parking deficiencies to be credited to the new use, and remote parking.

Earlier this year, Walker Consultants worked with the City to develop recommendations for neighborhood parking. The goal of this project, which was funded by a grant from the InvestNH Housing Opportunity Program, was to improve parking and sustainable transportation (i.e. biking, walking, public transit) for the community while facilitating needed housing development in neighborhoods near the downtown. The report recommended creating parking requirements specific to housing for older persons and affordable housing, as well as changing from a “per unit” to a “per bedroom” calculation for multifamily housing.

This following table summarizes the existing and proposed parking requirements for each residential use category:

Residential Use	Existing Parking Requirement	Proposed Parking Requirement
Dwelling, Above Ground Floor	2 spaces (1 space in DT-G and DT-L)	1 space per studio and one-bedroom (0.9 spaces per studio in DT-G, DT-L) 1.5 spaces per <b>*two</b> -bedroom or more (1 space per one-bedroom or more in DT-G, DT-L)
Dwelling, Manufactured Housing		
Dwelling, Multifamily		
Dwelling, Two-Family/Duplex		
Housing for Older Persons (as defined by RSA 354-A:15)	2 spaces (1 space in DT-G and DT-L)	0.9 spaces/unit (0.75 spaces/unit in DT-G, DT-L)
Workforce Housing (as defined by RSA 674:58, IV)	2 spaces (1 space in DT-G and DT-L)	0.9 spaces per studio (0.75 spaces per studio in DT-G, DT-L) 1 space per one-bedroom (0.9 spaces per one-bedroom in DT-G, DT-L) 1.25 spaces per two-bedroom (1 space per two-bedroom or more in DT-G, DT-L) 1.5 space per three-bedroom or more

*\*Note: In the draft ordinance, this was shown as “three-bedroom” but should have said “two-bedroom.”*

### **Discussion**

This ordinance proposes to switch from a “per unit” calculation to a “per bedroom” calculation (with one exception) and reduce the parking required for residential uses in order to comply with recent changes to state law and reduce barriers to housing development. Keene has a significantly higher percentage of people living alone that the state (40% vs. 27%), with an average household size of just 2.2 people. Switching to a “per bedroom” calculation will help “right-size” the amount of parking required for proposed developments that include smaller size units, such as studio apartments and 1-bedroom units that are more likely to be occupied by smaller households.

This ordinance also proposes reduced parking requirements for Housing for Older Persons and Workforce Housing. The Neighborhood Parking Report states the following with respect to the recommendation to create separate, reduced parking requirements for these two categories:

*“According to the 2023 Housing Needs and Assessment Strategy Report, 29% of Keene's total population is over the age of 55. **Additionally, 60% of those 65 and older in Keene live alone.** As the city's residents age, smaller and more affordable housing options will be needed.*

*The report also found that a notable portion of households in the city (27% of owners and 42% of renters) are cost-burdened, meaning they pay more than 30% of their income towards housing costs. As parking can be a significant cost burden when developing housing, adding separate requirements specifically for these at-risk housing categories could support growth in the types of housing most needed by Keene residents.”*

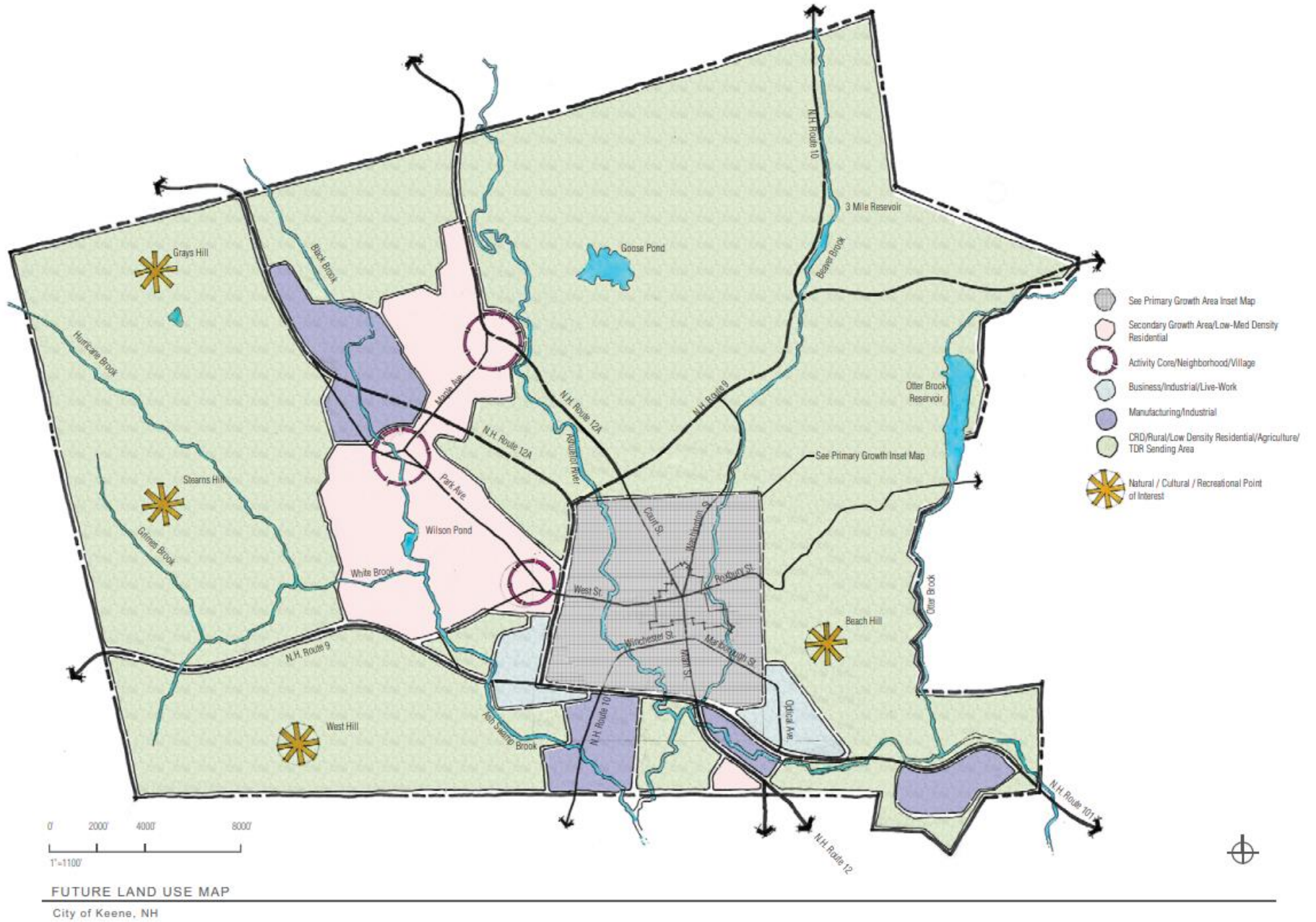
It is important to note that the on-site parking requirements state the minimum amount of parking that is required. They do not prevent developers from providing more parking if they feel it would be beneficial for their project.

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

The highest priority implementation recommendation from the 2010 Comprehensive Master Plan is to rewrite the land use and zoning code to align with the intent of the Future Land Use Map. The plan states, *“As the community moves forward with this revision, other types of land-use regulations should be considered that will incorporate walkability, green infrastructure, sustainable building, a smart-growth principle and other features outlined in this plan.”*

The Future Land Use map depicts a primary growth area, secondary growth areas, activity core/Neighborhood/Village nodes, business areas, industrial areas, and rural/low density residential/agricultural areas (Figure 1). The plan recommends concentrating growth in the primary growth area and allowing for carefully planned growth and density in secondary growth areas, while prioritizing conservation of land in rural and agricultural areas. This proposal will reduce barriers to multifamily, senior, and workforce housing development and allow for more efficient use of land in the primary and secondary growth areas of the Future Land Use Map, where multifamily dwellings are typically allowed. It also reduced the parking requirement for single-family dwellings which are allowed outside the primary and secondary growth areas; however, density in these areas of the City are controlled by other factors such as lot size and maximum impervious coverage.

FIGURE 1. City of Keene Future Land Use Map.







APPLICATION TO AMEND THE ZONING ORDINANCE

Petitioner: Community Development Department Date: October 25, 2024

Address: 3 Washington St. Keene NH

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

Existing Section Reference in Chapter 100, Land Development Code: 9.2.1;9.2.5

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

[Signature] Validation of Number of parcels by the Community Development Department

[Signature] 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-2024-20 Relating to Amendments to Residential Parking Requirements**

This Ordinance proposes to modify the on-site parking requirements for each residential use category in the Zoning Ordinance by changing from a “per unit” to a “per bedroom” calculation, with one exception. The change also includes separate parking space requirements for dwellings that qualify as Workforce Housing or Housing for Older Persons. For the Housing for Older Persons category, the calculation is based on per unit instead of per bedroom. This change will affect all zoning districts that allow residential uses. The proposed number of required parking spaces per dwelling type is shown in the table below:

<b>Residential Uses</b>	
Dwelling, Above Ground Floor	1 space per studio and one-bedroom (0.9 spaces per studio in DT-G, DT-L) 1.5 spaces per three-bedroom or more (1 space per one-bedroom or more in DT-G, DT-L)
Dwelling, Manufactured Housing	
Dwelling, Multifamily	
Dwelling, Two-Family/Duplex	
Housing for Older Persons (as defined by RSA 354-A:15)	0.9 spaces/unit (0.75 spaces/unit in DT-G, DT-L)
Workforce Housing (as defined by RSA 674:58, IV)	0.9 spaces per studio (0.75 spaces per studio in DT-G, DT-L) 1 space per one-bedroom (0.9 spaces per one-bedroom in DT-G, DT-L) 1.25 spaces per two-bedroom (1 space per two-bedroom or more in DT-G, DT-L) 1.5 space per three-bedroom or more

The intent of these proposed changes is to bring the City of Keene’s Zoning Ordinance into compliance with recent changes to state law and reduce the cost of new housing development in the City. The proposed changes are aligned with the zoning recommendations in the City of Keene Neighborhood Parking Report that was prepared by Walker Consultants as part of an InvestNH HOP Grant to increase the supply of housing.

The attached materials include the full text of Ordinance O-2024-20 and excerpted sections of the City of Keene Land Development Code that are proposed to be amended with Ordinance O-2024-20. 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 Residential Parking Requirements

***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 Table 9-1 “Minimum On-Site Parking Requirements” of Article 9 “Residential Uses” be amended as follows:
  - a. Dwelling, Above Ground Floor ~~2 spaces / unit~~ (1 space / unit in DT-G, DT-L)
  - b. Dwelling, Manufactured Housing ~~2 spaces / unit~~ (1 space / unit in DT-G, DT-L)
  - c. Dwelling, Multifamily ~~2 spaces / unit~~ (1 space / unit in DT-G, DT-L)
  - d. Dwelling, Single-Family ~~2 spaces / unit~~ (1 space / unit in DT-G, DT-L)
  - e. Dwelling, Two-Family/Duplex ~~2 spaces / unit~~ (1 space / unit in DT-G, DT-L)

**f. Residential Uses**

Dwelling, Above Ground Floor	<b><u>1 space per studio and one-bedroom (0.9 spaces per studio in DT-G, DT-L)</u></b> <b><u>1.5 spaces per three-bedroom or more (1 space per one-bedroom or more in DT-G, DT-L)</u></b>
Dwelling, Manufactured Housing	
Dwelling, Multifamily	
Dwelling, Two-Family/Duplex	
<b><u>Housing for Older Persons</u></b> <b><u>(as defined by RSA 354-A:15)</u></b>	<b><u>0.9 spaces/unit (0.75 spaces/unit in DT-G, DT-L)</u></b>
<b><u>Workforce Housing</u></b> <b><u>(as defined by RSA 674:58, IV)</u></b>	<b><u>0.9 spaces per studio (0.75 spaces per studio in DT-G, DT-L)</u></b> <b><u>1 space per one-bedroom (0.9 spaces per one-bedroom in DT-G, DT-L)</u></b> <b><u>1.25 spaces per two-bedroom (1 space per two-bedroom or more in DT-G, DT-L)</u></b> <b><u>1.5 space per three-bedroom or more</u></b>

2. That section 9.2.5 “Zoning District Specific Requirements” of Article 9, subsection A.1 be deleted as follows:
  - a. ~~One parking space per dwelling unit shall be the minimum on-site parking required for residential uses in the Downtown Growth and Downtown Limited Districts.~~

\_\_\_\_\_  
Jay Kahn, Mayor

**TABLE 9-1: MINIMUM ON-SITE PARKING REQUIREMENTS**

PRINCIPAL USE	MIN ON-SITE PARKING REQUIREMENT
<b>RESIDENTIAL USES</b>	
Dwelling, Above Ground Floor	<b>2 spaces / unit (1 space / unit in DT-G, DT-L)</b>
Dwelling, Manufactured Housing	<b>2 spaces / unit</b>
Dwelling, Multifamily	<b>2 spaces / unit (1 space / unit in DT-G, DT-L)</b>
Dwelling, Single-Family	<b>2 spaces / unit (1 space / unit in DT-L)</b>
Dwelling, Two-Family / Duplex	<b>2 spaces / unit (1 space / unit in DT-L)</b>
<b>COMMERCIAL USES</b>	
Agricultural-Related Educational & Recreational Activity as a Business	4 spaces / 1,000 sf GFA
Animal Care Facility	3 spaces / 1,000 sf GFA
Art Gallery	3 spaces / 1,000 sf GFA
Art or Fitness Studio	4 spaces / 1,000 sf GFA
Banking or Lending Institution	4 spaces / 1,000 sf GFA
Bar	1 space / 5 seats
Bed and Breakfast	1 space / guest room + 2 spaces / dwelling unit
Car Wash	1 space / car wash bay
Clinic	5 spaces / 1,000 sf GFA
Event Venue	5 spaces / 1,000 sf GFA
Funeral Home	5 spaces / 1,000 sf GFA
Greenhouse / Nursery	4 spaces / 1,000 sf GFA
Health Center / Gym	4 spaces / 1,000 sf GFA
Heavy Rental & Service Establishment	3 spaces / 1,000 sf GFA
Hotel/Motel	1 space / guest room
Kennel	2 spaces / 1,000 sf GFA
Micro-Brewery/Micro-Distillery/Micro-Winery	2 spaces / 1,000 sf GFA of production area + 1 space / 4 seats
Motor Vehicle Dealership	4 spaces / 1,000 sf GFA of indoor sales and display area + 4 spaces / service bay
Neighborhood Grocery Store	3 spaces / 1,000 sf GFA
Office	4 spaces / 1,000 sf GFA
Personal Service Establishment	4 spaces / 1,000 sf GFA
Private Club / Lodge	4 spaces / 1,000 sf GFA or 1 space / 4 seats, whichever is greater
Recreation/Entertainment Facility - Indoor	4 spaces / 1,000 sf GFA or 1 space / 4 seats
Recreation/Entertainment Facility - Outdoor	2 spaces / 1,000 sf outdoor use area
Research and Development	4 spaces / 1,000 sf GFA
Restaurant	1 space / 5 seats
Retail Establishment, Heavy	4 spaces / 1,000 sf GFA
Retail Establishment, Light	4 spaces / 1,000 sf GFA
Self Storage Facility - Exterior Access	1 space / 3,000 sf GFA <i>(may be located on paved area in front of unit)</i>
Self Storage Facility - Interior Access	1 space / 3,000 sf GFA
Sexually Oriented Business	4 spaces / 1,000 sf GFA
Specialty Food Service	4 spaces / 1,000 sf GFA
Vehicle Fueling Station (with or without retail store)	4 spaces / 1,000 sf GFA <i>(excluding fueling stations)</i>

**TABLE 9-1: MINIMUM ON-SITE PARKING REQUIREMENTS**

PRINCIPAL USE	MIN ON-SITE PARKING REQUIREMENT
<b>RESIDENTIAL USES</b>	
Dwelling, Above Ground Floor	<b>1 space per studio and one-bedroom (0.9 spaces per studio in DT-G, DT-L)</b> <b>1.5 spaces per three-bedroom or more (1 space per one-bedroom or more in DT-G, DT-L)</b>
Dwelling, Manufactured Housing	
Dwelling, Multifamily	
Dwelling, Single-Family	
Dwelling, Two-Family / Duplex	
<b>Housing for Older Persons (as defined by RSA 354-A:15)</b>	<b>0.9 spaces/unit (0.75 spaces/unit in DT-G, DT-L)</b>
<b>Workforce Housing (as defined by RSA 674:58, IV)</b>	<b>0.9 spaces per studio (0.75 spaces per studio in DT-G, DT-L)</b> <b>1 space per one-bedroom (0.9 spaces per one-bedroom in DT-G, DT-L)</b> <b>1.25 spaces per two-bedroom (1 space per two-bedroom or more in DT-G, DT-L)</b> <b>1.5 space per three-bedroom or more</b>
<b>COMMERCIAL USES</b>	
Agricultural-Related Educational & Recreational Activity as a Business	4 spaces / 1,000 sf GFA
Animal Care Facility	3 spaces / 1,000 sf GFA
Art Gallery	3 spaces / 1,000 sf GFA
Art or Fitness Studio	4 spaces / 1,000 sf GFA
Banking or Lending Institution	4 spaces / 1,000 sf GFA
Bar	1 space / 5 seats
Bed and Breakfast	1 space / guest room + 2 spaces / dwelling unit
Car Wash	1 space / car wash bay
Clinic	5 spaces / 1,000 sf GFA
Event Venue	5 spaces / 1,000 sf GFA
Funeral Home	5 spaces / 1,000 sf GFA
Greenhouse / Nursery	4 spaces / 1,000 sf GFA
Health Center / Gym	4 spaces / 1,000 sf GFA
Heavy Rental & Service Establishment	3 spaces / 1,000 sf GFA
Hotel/Motel	1 space / guest room
Kennel	2 spaces / 1,000 sf GFA
Micro-Brewery/Micro-Distillery/Micro-Winery	2 spaces / 1,000 sf GFA of production area + 1 space / 4 seats
Motor Vehicle Dealership	4 spaces / 1,000 sf GFA of indoor sales and display area + 4 spaces / service bay
Neighborhood Grocery Store	3 spaces / 1,000 sf GFA
Office	4 spaces / 1,000 sf GFA
Personal Service Establishment	4 spaces / 1,000 sf GFA
Private Club / Lodge	4 spaces / 1,000 sf GFA or 1 space / 4 seats, whichever is greater
Recreation/Entertainment Facility - Indoor	4 spaces / 1,000 sf GFA or 1 space / 4 seats
Recreation/Entertainment Facility - Outdoor	2 spaces / 1,000 sf outdoor use area
Research and Development	4 spaces / 1,000 sf GFA
Restaurant	1 space / 5 seats

**TABLE 9-1: MINIMUM ON-SITE PARKING REQUIREMENTS**

USE CATEGORY	MIN ON-SITE PARKING REQUIREMENT
Wholesale	0.5 space / 1,000 sf GFA (excluding office space) + 4 spaces / 1,000 sf GFA of office space
<b>OPEN SPACE USES</b>	
Cemetery	0.5 spaces / 1 acre of grave space if no internal road is present
Community Garden	No minimum
Conservation Area	No minimum
Farming	No minimum
Golf Course	2 spaces / tee + 4 spaces / 1,000 sf GFA

**9.2.2 Use Determination**

A. Where the classification of use is not determinable from Table 9-1, the Zoning Administrator shall determine the minimum on-site parking requirements by considering all factors entering into the parking demand for the use, including the most current version of the ITE Parking Generation Manual. Such determination shall be documented in writing and kept on file with the Community Development Department.

**9.2.3 Mixed Uses**

Where multiple primary uses occupy the same structure or lot, the required minimum parking is the sum of the requirements for each use computed separately.

**9.2.4 Accessible Parking**

- A. The number of required accessible parking spaces shall be calculated based on the minimum number of parking spaces required in Table 9-1 not including any reduction, and shall comply with the requirements of the State Building Code.
- B. In no circumstance shall the number of required accessible parking spaces be reduced.

**9.2.5 Zoning District Specific Requirements**

A. No on-site parking is required for uses in the Downtown Core, Downtown Growth, and Downtown Limited Districts, with the exception of residential uses in the Downtown Growth and Downtown Limited Districts as stated in Table 9-1.

1. ~~One parking space per dwelling unit shall be the minimum on-site parking required for residential uses in the Downtown Growth and Downtown Limited Districts.~~

B. When parking is provided in zoning districts that do not require on-site parking, all design standards and specific limitations in this Article shall apply.

**9.2.6 Alternate Parking Requirements**

Recognizing that the parking requirements provided in Table 9-1 may not be appropriate for all uses or sites, the number of on-site parking spaces required may be reduced in accordance with Sections 9.2.7, 9.2.8 and 9.2.9.

**9.2.7 Reduction of Required Parking**

- A. **Administrative Reduction.** The Zoning Administrator may grant up to a 10% reduction in the number of required on-site parking spaces for the principal use or mixture of principal uses on a lot when the following can be demonstrated.
  - 1. A specific use or site has such characteristics that the number of required parking spaces is too restrictive.
  - 2. The requested reduction will not cause long term parking problems for adjacent properties or anticipated future uses.
  - 3. One or more of the following site conditions are applicable or present on the lot where the principal use(s) is located.