

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.**

Jay Kahn, Mayor

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

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

5.1.3 Buildout

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

5.1.4 Height

Max Stories Above Grade^{a,b} *	2 3
a 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.	3
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.	4
Max Building Height^{a,b} *	35 42ft
a 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.	42 ft
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.	56 ft

* 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 ¹	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 ¹	8.3.2.AG
Specialty Food Service	P	8.3.2.AH
Vehicle Fueling Station	P ¹	8.3.2.AI
Vehicle Rental Service	P	8.3.2.AJ
Vehicle Repair Facility – Major	P ¹	8.3.2.AK
Vehicle Repair Facility – Minor	P ¹	8.3.2.AL
INSTITUTIONAL USES		SECTION
Community Center	P ¹	8.3.3.A
Cultural Facility	P ¹	8.3.3.B
Day Care Center	P	8.3.3.C
Place of Worship	P ¹	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