

**Twenty-One**  
**Relating to City of Keene Land Development Code**

That the Code of Ordinances of the City of Keene, New Hampshire, as amended, is hereby further amended as follows.

1. That the City of Keene Land Development Code, which was adopted by the City Council on May 20, 2021, and will become effective on September 1, 2021 as Chapter 100 of the City Code of Ordinances, is hereby amended as follows.
  - A. Remove Section 1.3.1.A.1 of Article 1 - Introductory Provisions, which states “Where a minimum lot area is specified in this LDC, no principal building or use shall be erected or established on any lot of lesser size, except for nonconformances allowed pursuant to Article 18.”
  - B. Relocate “Day Care Center” and its associated definition from Section 8.3.2.J “Commercial Uses” to Section 8.3.3.C “Institutional Uses” in Article 8 - Permitted Uses, and renumber sections accordingly. Update Table 8-1, Table 9-1, and the Permitted Use Tables (see section references below) in the following zoning districts to reflect this change.
 

<ul style="list-style-type: none"> <li>• Downtown Zoning Districts (Table 4-1)</li> <li>• Commerce District (Section 5.1.5)</li> <li>• Commerce Limited District (Section 5.2.5)</li> <li>• Neighborhood Business District (Section 5.3.5)</li> <li>• Business Growth &amp; Reuse District (Section 5.4.5)</li> </ul>	<ul style="list-style-type: none"> <li>• Office District (Section 5.5.5)</li> <li>• Corporate Park District (Section 6.1.6)</li> <li>• Industrial District (Section 6.2.5)</li> <li>• Industrial Park District (Section 6.3.5)</li> <li>• Regional Health Care District (Section 7.1.5)</li> </ul>
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  - C. Delete the stricken text in Section 9.2.5.A.1 in Article 9 - Parking & Driveways as follows, and update Table 9-1 to reflect this change: “One parking space per dwelling unit shall be the minimum parking required for residential uses in the ~~Downtown Core~~, Downtown Growth and Downtown Limited Districts.”
  - D. Amend the minimum onsite parking requirements for “Self-Storage Facility Exterior Access” and “Self-Storage Facility Interior Access” in Table 9-1 in Article 9 - Parking & Driveways to be 1 space / 3,000 sf GFA, where it is currently 1 space / 10 units.
  - E. Delete the stricken text and add the bolded underlined text in the following sections of Section 9.3 “Driveway Design Standards” as follows. The text that is proposed to be removed below is currently present in Section 22.5.4 of the Land Development Code. This proposed change is to eliminate redundancy.

“9.3.1. Street Access Permit

Prior to installing a new or modifying an existing curb cut or driveway, a street access permit shall be obtained according to the standards and processes outlined in ~~Article 22~~ **Section 22.5 of this LDC.**

### 9.3.2. Driveway Placement

A. For single and two family dwellings, there shall be no more than 1 driveway for each lot, unless an exception has been approved by the City Engineer per Article 22.

B. No more than 2 single family dwelling can share a common driveway.

C. New driveways shall be placed so as not to conflict with existing driveways.

D. Driveways on opposite sides of the street shall be aligned or offset sufficiently, so as to avoid turning conflicts.

### 9.3.2~~3~~ Driveway Dimensions

A. Residential Driveways. **Dimensional requirements for driveways are included in Section 22.5.4 of this LDC. In addition to these requirements,** ~~The following standards shall apply to driveways for single- and two-family dwellings.~~

1. Driveways shall be a maximum of 20 ft wide at the property line and 30 ft wide at the curblines.

A2. Each vehicle parking space shall be a minimum dimension of 8-ft by 18-ft and shall be located to the rear of either the front setback or front building line.

B3. The driveway and associated parking space(s) shall be a minimum of 3-ft from the side property line.

B. Commercial Driveways. ~~The following standards shall apply to driveways for non-residential lots, multi-family dwellings, and temporary driveways.~~

~~The driveway shall be a minimum of 12 ft wide and a maximum of 25 ft wide at the property line and 50 ft wide at the curblines, unless additional width or lanes are required as the result of a traffic study and/or geometric analysis prepared by a NH licensed engineer.~~

### 9.3.8 Removal of Trees or Stone Walls

~~When the installation of a driveway requires the cutting of trees or the disturbance of stone walls that are within the public right of way, separate permission for such cutting or disturbance shall be obtained in accordance with Chapter 82 of the City Code of Ordinances, NH RSA 472:6, or other applicable laws.~~

### 9.3.9 Temporary Driveways

~~Temporary driveways used for earth disturbing activities or events or forestry activities shall be constructed with a temporary construction exit complying with the requirements of the NH Stormwater Manual Volume 3, as may be amended, and shall be restored to original condition at the conclusion of the activity or event for which they are installed."~~

- F. Remove Section 18.4 "Nonconforming Lots," which is displayed below as stricken text, from Article 18 - Nonconformities.

~~"18.4 Nonconforming Lots~~

#### 18.4.1 Description

A nonconforming lot is an existing lot of record that at one time conformed to the lot dimension requirements (e.g. lot area, lot width) of the zoning district in which it is located but because of subsequent amendments to the Zoning Regulations is made nonconforming.”

#### 18.4.2 Alteration

No nonconforming lot may be subdivided in such a way that increases the nonconformity.

#### 18.4.3 Permitted Development

Development of a nonconforming lot shall meet all applicable dimensional requirements of the zoning district it is located with the exception of any lot dimensional requirement that renders it nonconforming.”

~~G. Add the bolded underlined text to Section 25.1.10 “Historic District Commission” of Article 25— Application Procedures as follows:~~

#### ~~“25.1.10 Historic District Commission~~

~~In addition to other general authority by state law or the City Code of Ordinances, the Historic District Commission shall have the following powers pursuant to this LDC:~~

- ~~A. To initiate, hear, and decide on proposed amendments to the Historic District Regulations in this LDC.~~
- ~~B. To hear and decide on major project applications for a certificate of appropriateness.~~
- ~~C. To hear and grant waivers from the Historic District Regulations.~~
- ~~D. To hear and decide on appeals of an administrative decision of the Community Development Director, or their designee, on minor project applications for a certificate of appropriateness.~~
- ~~E. To hear and decide on requests for extensions to certificates of appropriateness.~~

~~**F. To provide comments and recommendations to the Planning Board on Major Site Plan applications for new buildings or additions to buildings, which are younger than 50 years old, that are located in the Downtown Historic District.”**~~

~~H. Add the bolded underlined text to Section 25.12.8.B “Major Site Plan Procedure” of Article 25— Application Procedures, and amend Table 25-1: Development Applications Decision Authority to reflect this change.~~

~~**“7. Historic District Commission Review. Applications proposing to build new buildings or additions to buildings, which are younger than 50 years old, that are located in the Downtown Historic District shall be referred to the Historic District Commission for comments and a recommendation to the Planning Board before the public hearing on the application is closed.”**~~

~~I.G. Add the following definitions to Article 28. Defined Terms.~~

**“Awning – An architectural projection that is partially or wholly supported by the building to which it is attached, and is comprised of a light-weight frame structure over which a covering is attached. This covering may consist of vinyl, canvas or similar material.”**

**“Nonconforming Lot - An existing lot of record that at one time conformed to the lot dimension requirements (e.g. lot area, lot width) of the zoning district in which it is located but because of subsequent amendments to the Zoning Regulations is made nonconforming.”**

2. Delete the stricken text from and add the bolded text/table to the following section of Appendix B of the City Code of Ordinances, Chapter 100. Land Development Code (LDC) Fee Schedule.

“§22.4 Service Connection Permit

Engineering Inspection Fees.....\$55.00 per hour  
~~Residential, Institutional or Commercial Building Service Connection Permit.....\$15.00~~  
~~Industrial Building Service Connection Permit.....\$30.00~~

<u>Connection Type</u>	<u>Fee</u>	<u>Basis</u>
<u>Water, ≤ 2”</u>	<u>\$100</u>	<ul style="list-style-type: none"> <li>• <u>15 minutes of review/approval by the City Engineer</u></li> <li>• <u>2 one-hour visits by an engineering technician to inspect the tap and service line/curb stop prior to backfill</u></li> </ul>
<u>Water, &gt; 2”</u>	<u>\$200</u>	<ul style="list-style-type: none"> <li>• <u>30 minutes of review / approval by the City Engineer</u></li> <li>• <u>2 one-hour visits by an engineering technician to inspect the tap and service line/curb stop or gate valve prior to backfill</u></li> <li>• <u>2 visits to observe disinfection testing procedure and review lab results</u></li> </ul>
<u>Sewer, design flow ≤ 5000 GPD</u>	<u>\$100</u>	<ul style="list-style-type: none"> <li>• <u>15 minutes of review/approval by the City Engineer</u></li> <li>• <u>2 one-hour visits by an engineering technician to inspect the connection to the main and the service pipe prior to backfill</u></li> </ul>
<u>Sewer, design flow &gt; 5000 GPD</u>	<u>\$200</u>	<ul style="list-style-type: none"> <li>• <u>1 hour of review/approval by the City Engineer</u></li> <li>• <u>2 one-hour visits by an engineering technician to inspect the connection to the main and the service pipe prior to backfill</u></li> </ul>
<u>Storm Drain, ≤6”</u>	<u>\$100</u>	<ul style="list-style-type: none"> <li>• <u>15 minutes of review/approval by the City Engineer</u></li> <li>• <u>2 one-hour visits by an engineering technician to inspect the tap and service line/curb stop prior to backfill</u></li> </ul>
<u>Storm Drain &gt;6”</u>	<u>As determined by the Public Works Director</u>	<ul style="list-style-type: none"> <li>• <u>Storm drain connections to the City’s system over 6” in diameter will require hydraulic analysis and a review of the available system capacity. Fees for connection will be determined based on the specific circumstances.</u></li> </ul>

3. Add the bolded and underlined text below to Chapter 18. Article II. "Technical Codes." Section 18-27(a). "Permits Required."

"Any person, who intends to erect a building, structure, or sign; alter an existing building, structure, or sign; or construct or demolish any building, structure, or sign; or change the occupancy of a building or structure, shall obtain permits from the code enforcement department and if applicable, the fire department, before the work has begun. This requirement includes any type of work, which is regulated by the building and fire codes enforced by the city. The code enforcement and fire departments may approve minor repair work without the requirement of a permit provided such approval is not in violation of the codes and all permit applications for the code enforcement department and the fire department shall be distributed by the code enforcement department. Incomplete applications shall be rejected. **Building permits shall not be issued for applications made after the first legal notice of proposed changes in the building code or zoning ordinance has been posted pursuant to the provisions of RSA 675:7; and the proposed changes in the building code or the zoning ordinance would, if adopted, justify refusal of such permit.**"

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George Hansel, Mayor