

Supplemental Staff Report – Ordinance O-2016-01 & O-2016-02

for the Joint Committee Workshop, February 13, 2017

Summarizing the Revised Ordinances

Introduction

The Joint Planning, Licenses and Development (PLD) Committee and Planning Board (PB) began its review of the proposed zoning changes recommended by the 2013 Marlboro Street Re-Zoning Project at their April 11, 2016 workshop. This staff report summarizes a number of property parcels and the potential changes that have been discussed for their zoning districts. Additionally, the staff report summarizes the suggested changes to both O-2016-01 (zoning district and definitions) & O-2016-02 (map) at the Joint meetings May through December of 2016.

Potential Ordinance Adoption Schedule

1. March 13, 2017: Determine Remaining Parcel Zoning Districts & Confirm Version A (amended) of both O-2016-01 (zoning text) & O-2016-02 (map changes).
2. May 8, 2017: PLD members vote on Version A (amended versions) of both O-2016-01 & O-2016-02 referring the petition to City Council for a Public Hearing. Planning Board members vote on the petition's coherence with the City's 2010 Comprehensive Master Plan.
3. June 1, 2017: City Council sets a public hearing date for discussion and public comments on Version A of the ordinances. The Planning department submits a report to city council which includes:
 - a. Version A of both ordinances,
 - b. A Staff Report,
 - c. Minutes of the Joint Workshops; and
 - d. Any additional information which the Joint committee indicates might assist the council in considering the proposal.
4. July 20, 2017: City Council holds a public hearing for discussion and public comments on Version A of the ordinances. City Council then refers the ordinances to Planning, Licenses and Development committee for discussion.
5. July 26, 2017: Planning, Licenses and Development (PLD) discusses the ordinances, with no public comment. PLD then makes a recommendation to City Council on whether or not to adopt Version A of the proposed ordinances.
6. August 3, 2017: City Council votes on the ordinance petitions

Parcels still under discussion

Potential zoning district changes for the following parcels have been discussed at the referenced, previous Joint meetings. Additional information is provided to assist the Board in deciding on an appropriate, future, zoning district for each parcel given the goals of the Marlboro Street Project and each parcel's unique circumstances. Each discussion of a parcel/s is keyed to the attached project map: **A – G.**

A. 305 Marlboro St. at Baker Street

September and October - discussions brought up the parcel's current mix of apartments and a former business in the single building on a 5,600 SF lot. A long-time beauty salon business was mentioned. The parcel is currently non-conforming in its High Density (HD) zoning district for HD's lot size, setbacks, maximum lot impermeable and minimum % green/open space requirements. The building contains 6 residential units (3,240 SF) and a 480 SF office space. The parking opportunities (approximately three spaces) is also a consideration. Both the proposed Neighborhood Business and the Residential Preservation zoning districts have a minimum lot size of 8,000 SF. The proposed Neighborhood Business zoning district allows three story buildings but a new building would have to have the first floor as parking only. The proposed Neighborhood Business zoning district has a minimum building setback of 5' for the front whereas the proposed Residential Preservation zoning district has more substantial required setbacks on all sides. The proposed Neighborhood Business zoning district has no minimum lot size per dwelling unit. Additionally the zoning district with the lesser minimum green/open space requirement, the greater thresholds for maximum % occupied by structure and impermeable area is the proposed Neighborhood Business zoning district.

B. 215 and 0 Water Street Parcels:

In September and October, committee members expressed their desire to see these parcels be redeveloped with new residential properties. Committee members also requested additional history regarding the empty 0 Water St. parcel. Further research shows that the 0 Water Street



Figure 1: View from south into the 305 Marlboro St. parcel



Figure 2: 215 Water St. Parcel



Figure 3: 0 Water Street Parcel

parcel was part of a larger holding by Andrew E. Town spanning from Water Street down to the rail line beginning in 1885. Mr. Towne repeatedly subdivided the property over the ensuing years and lost the 0 Water St. parcel through foreclosure to the Cheshire County Savings Bank in 1941. Whereupon Fred Hamblet bought the parcel from the Cheshire County Savings Bank. In this deed, the parcel is described as “tract of land with buildings thereon” and is just over an acre in size. The 0 Water Street parcel today is just shy of an acre (0.97 acres). There is no evidence that the existing parcel was ever modified from individual residential parcels.

Both this property and the adjacent single family home next door at 215 Water St. are currently in the Industrial (I) zoning district with Bentley Commons on their west side. A Medium Density (residential) zoning district is directly across the street on the north side of Water St. as well as on the east side of the 0 Water St. parcel. The properties are proposed to have a Central Business zoning district on the west, and the proposed Business Growth and Re-Use zoning district on the south. Staff has recommended that these two parcels shift to the Medium Density zoning district to mirror the residences on the east and north anticipating that the 0 Water St. lot could be divided into four residential lots with just over 60’ at a proposed building line; the existing residential parcels across the street are between 60 and 78 feet wide at the street ROW. This would tie the existing home at 215 Water Street to additional residences.

C. 122 & 124 Water Street – Tom’s Auto Repair:

In September it was discussed that these two neighboring parcels could be added to the project area’s Business Growth and Re-Use zoning district. Committee members acknowledged that the current use, “Garge, business” would become a non-conforming use. This problem could be addressed by allowing the current “Garage, business” with a Special Exception through the Zoning Board of Adjustment. This approach would eliminate a concern voiced of a potential competitive advantage of this business over other garages looking to come to the area. Shifting the parcels to the Central Business zoning district however, keeps its current use allowable and allows a wide variety of potential future uses consistent with neighboring parcels on the north side of Water Street also zoned as the Central Business zoning district.



Figure 4: 122 & 124 Water Street Parcels

As a reminder, the existing Whitney Brothers children’s furniture manufacturer sits on another, separate, isolated Industrial zoning district. The committee may wish to discuss the future of these two Water Street parcels further.

D. 163 Water Street – Brackett Property:

October discussions included changing the current Central Business zoning district of 163 Water St. on the south side of Water St. owned by Mr. Steven Brackett, to be the proposed Business Growth and Re-Use zoning district. Due to the parcel’s proximity to other Central Business parcels, staff had recommended that this parcel remain as is. The current proposed plan replaces the Industrial zoning district parcels on the west of this parcel with the proposed Business Growth and Re-Use zoning district. The Committee may wish to discuss this further.



Figure 5: 163 Water Street at Beaver Brook

E. Proctor Court & Elliot St. Parcels:

At the October Joint meeting it was noted that the majority of parcels in the area of Proctor Court and Elliot Street are not owner-occupied. It was stated that most of these properties are rented by college students. It was suggested by a member of the committee that these properties, similar to those on Water and Dunbar streets, be removed from the Marlboro Street project area, left in their current High Density zoning district.

Within the project boundary here, twelve of the properties are single family (which may be being rented by the bedroom), eleven are two-family, and one building has

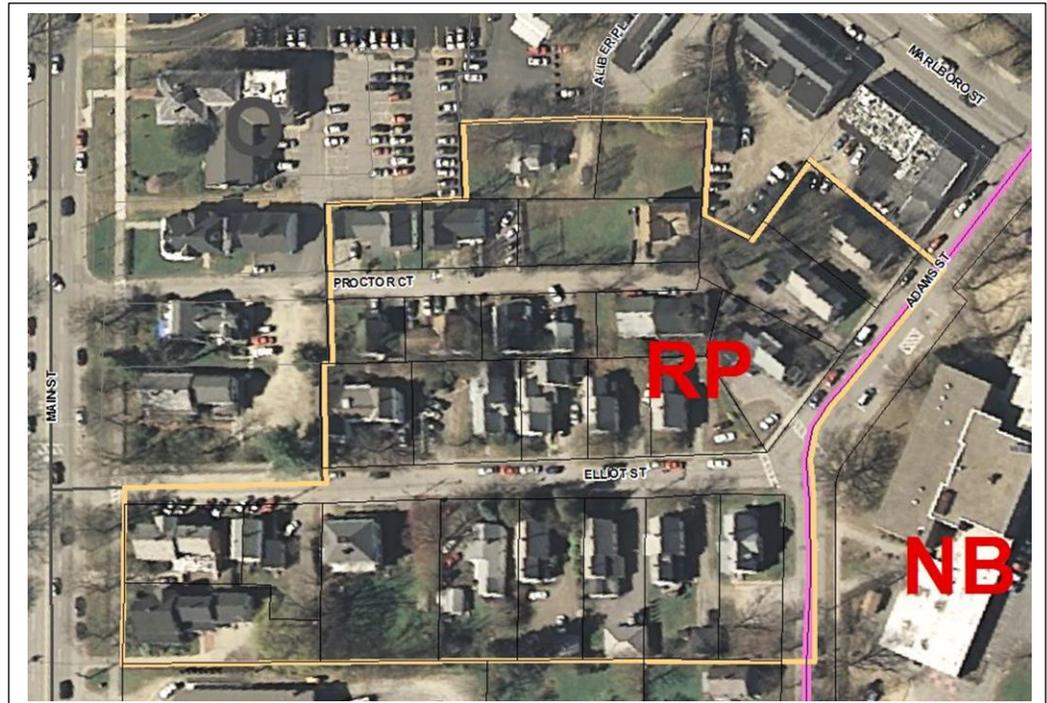


Figure 6: Elliot St. and Proctor Ct. Properties

five to six units. Of these properties in 2015, six were owner occupied and the remaining nineteen property owners were not receiving their tax bill at this address. The Committee may wish to discuss this further.

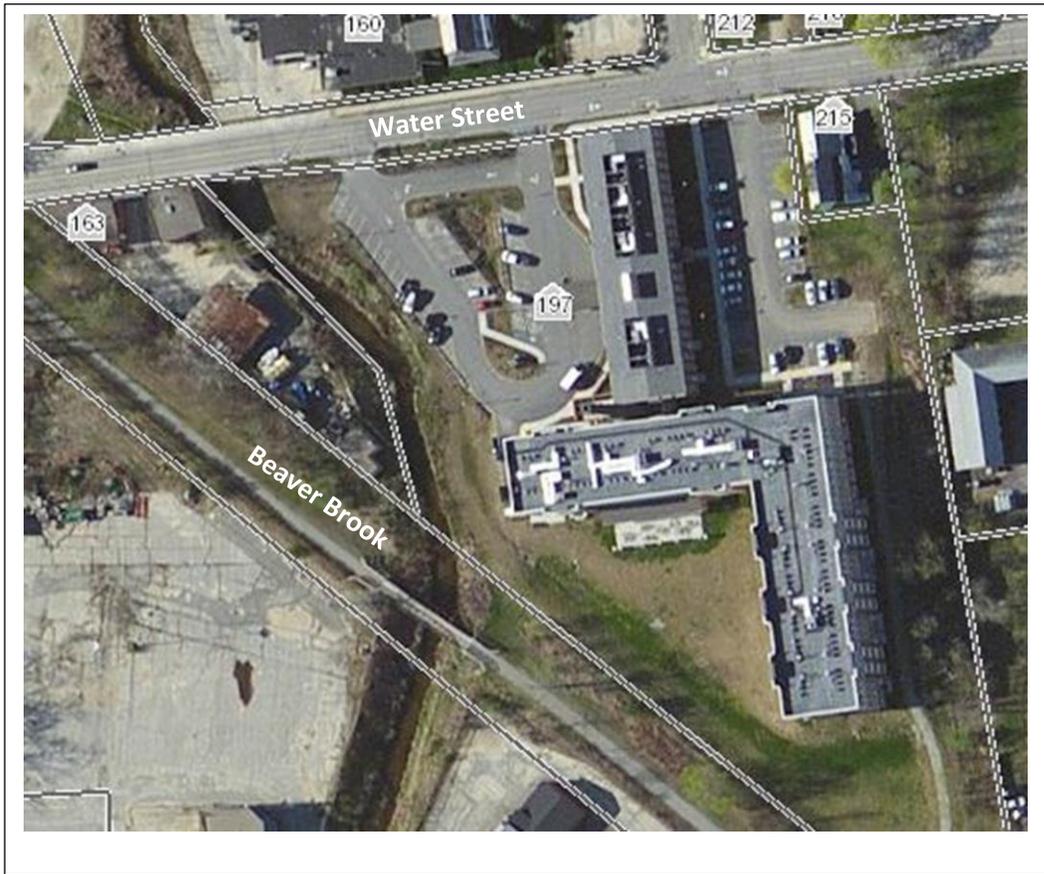


Figure 7: 197 Water Street, Bentley Commons and 215 Water St.

F. Bentley Commons (197 Water Street):

The October discussion of this parcel explored staff’s recommendation of changing the zoning from the current Industrial zoning district to the Central Business zoning district; extending the downtown’s higher level of activity and business from the Railroad Square area across Water Street and connecting the parcel to the proposed Business Growth and Re-Use zoning district. Concerns were heard regarding the lack of parking requirements within the Central Business zoning district. However there seemed to be consensus on the parcel shifting to Central Business zoning district due to the density of Bentley Commons being appropriate to the Central Business zoning district. The Board may wish to discuss this further.

G. 160 Water and 87 Carpenter St. Parcels:

There seemed to be consensus during the October meeting on the Findings parcel shifting to the adjacent Central Business zoning district due to the City’s hope of compatible future development to that already started in the Railroad Square area. Staff recommends that the warehouse/storage facility at 87 Carpenter also shift to Central Business due to the unlikely possibility of the property being redeveloped into residential as well as its adjacency to the other Central Business zoning district parcels next to Carpenter Park.



Figure 8: 160 Water & 87 Carpenter St. Parcels

O-2016-01 Summary Document Showing Proposed Zoning District Revisions to Date:

The attached O-2016-01 shows the ordinance language that was presented to City Council in January of 2016 in black. Amendments to the original text is shown in red. Comment boxes are used to give additional information on when the Joint Committee discussed the issue and what was decided. In many cases there was not a solid statement of “consensus”.

O-2016-02 Revised Zoning Map Changes:

Again, the attached O-2016-02 document shows the map to date. Amendments currently, are the two decisions that the Joint Committee came to consensus on at the Joint Committee Meetings. These two decisions are the:

- (1) Removal of the Dunbar/Water St. parcels from the proposed Residential Preservation zoning district and
- (2) Shift of the Marlboro Street parcels on the north side of Marlboro Street from the proposed Business Growth and Re-Use to the proposed Neighborhood Business zoning district.

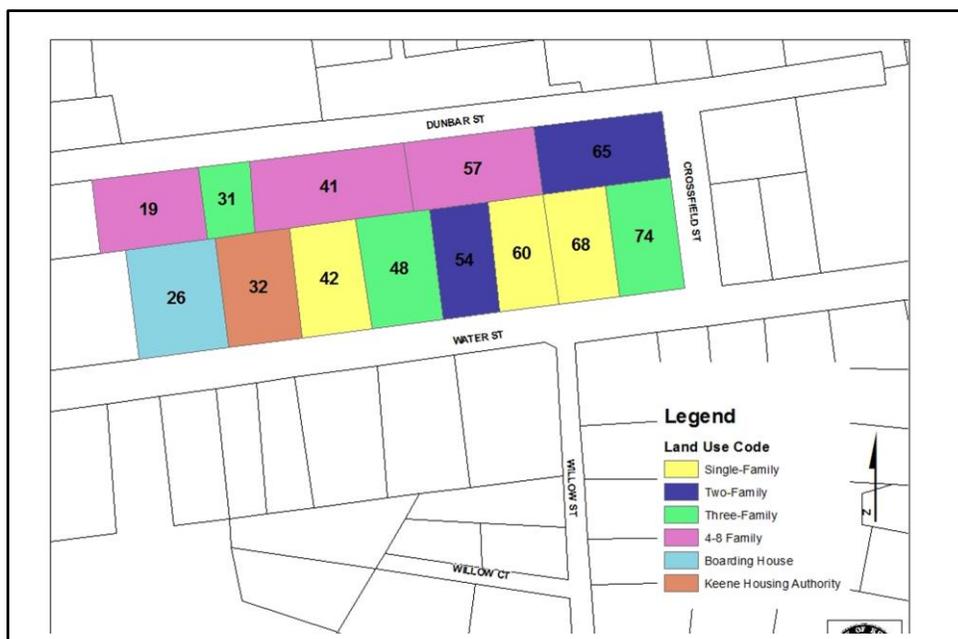


Figure 9: Housing Types at Dunbar & Water Streets

1. Removal of Dunbar & Water Street Parcels (keyed to the Map Revisions as “H”)

May and June - discussion regarding the potential non-conformance of the existing apartment buildings on Dunbar and Water St. parcels within the proposed RP zoning district. With the conclusion being that of removing the Dunbar and Water St. parcels from the project area.

2. North Marlboro Street Parcels shifting to the proposed Neighborhood Business Zoning District (keyed to the Map Revisions as “I”)

May and July – suggestion was made at these meetings to change the parcels on the north side of Marlboro Street from the proposed Business Growth & Re-Use zoning district to the proposed Neighborhood Business zoning district given their proximity to Keene Ice as

“prime area(s) for small scale commercial activity”.



Figure 10: Orange Oval indicates Four Parcels shifted to the proposed Neighborhood Business Zoning District

Recommendation

Continue the public workshop. The revised O-2016-01 and O-2016-02 will be presented at the March 13, 2017 Joint Workshop for discussion and possible vote.

C. 122 and 124 Water St.: September & Oct. Joint Committee Mtg. – Discussions to change the zoning district for these parcels from Industrial to the proposed BGR zoning district or the adjacent CB zoning district.

G. 160 Water St. & 87 Carpenter St.: Oct. Committee Mtg. – Discussion regarding the proposed change from the current Industrial and MD zoning districts to the adjacent CB zoning district.

B. 215 and 0 Water Street: Sept. & Oct. Joint Committee Mtg. – Discussion regarding the proposed change from the current Industrial zoning district to the neighboring MD, linking to the residential area across the street north and east.

H. Water and Dunbar Street: Oct. Joint Committee Mtg. – **Consensus** to remove the parcels from the proposed RP zoning district and therefore the Marlboro Street Re-Zoning Project.

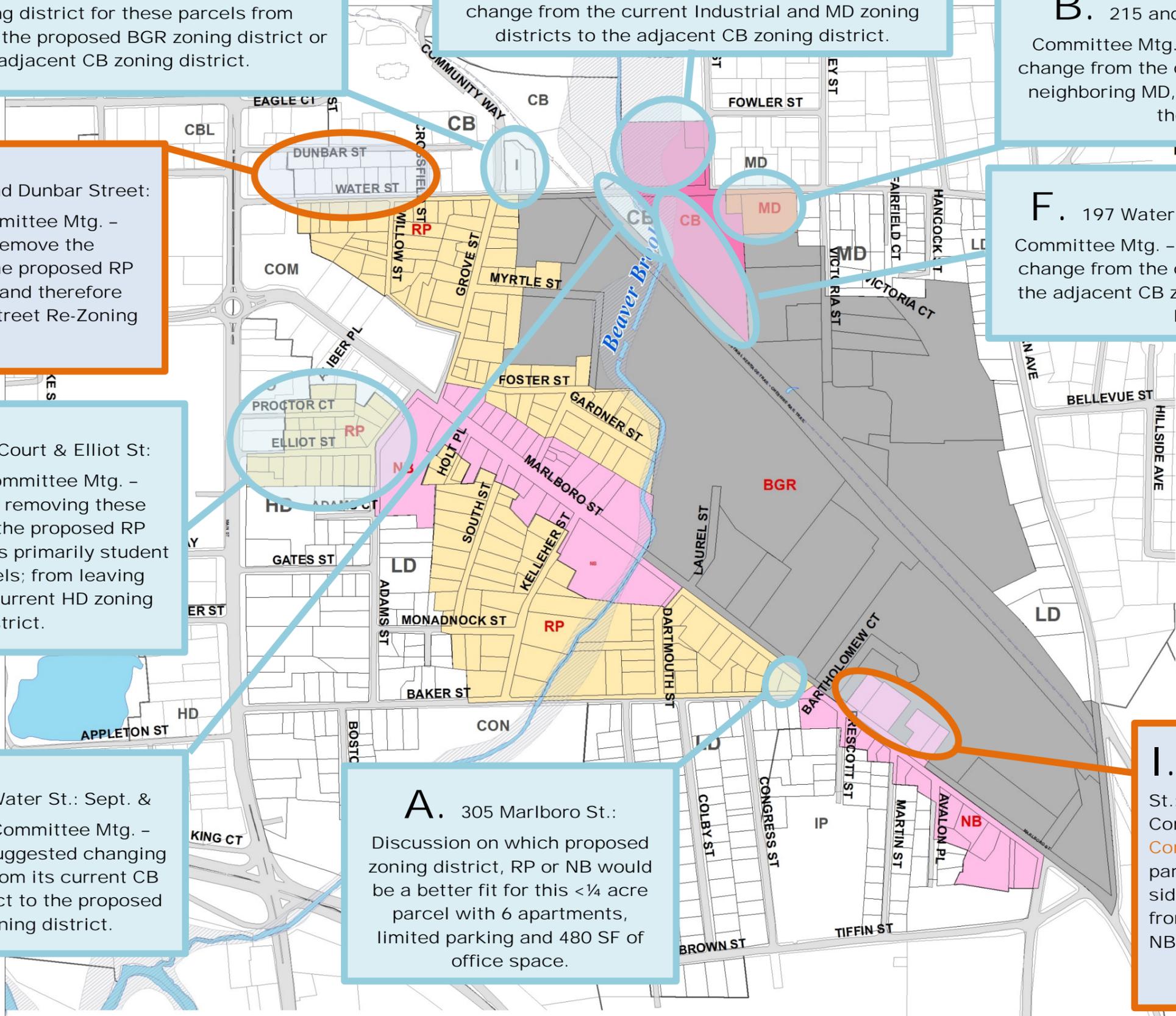
F. 197 Water St., Bentley Commons: Oct. Joint Committee Mtg. – Discussion regarding the proposed change from the current Industrial zoning district to the adjacent CB zoning district due to the density of Bentley Commons

E. Proctor Court & Elliot St: Oct. Joint Committee Mtg. – Suggestion of removing these parcels from the proposed RP zoning district as primarily student housing parcels; from leaving them in their current HD zoning district.

D. 163 Water St.: Sept. & Oct. Joint Committee Mtg. – Discussion suggested changing the parcel from its current CB zoning district to the proposed BGR zoning district.

A. 305 Marlboro St.: Discussion on which proposed zoning district, RP or NB would be a better fit for this $\frac{1}{4}$ acre parcel with 6 apartments, limited parking and 480 SF of office space.

I. 340-382 Marlboro St.: Sept. Joint Committee Mtg. – **Consensus** to shift parcels on the north side of Marlboro Street from RP to the proposed NB zoning district.



LEGEND

- CHEHSIRE RAIL TRAIL
- TAX PARCELS
- BGR - BUSINESS GROWTH RE-USE
- NB - NEIGHBORHOOD BUSINESS
- RP - RESIDENTIAL PRESERVATION
- CB - CENTRAL BUSINESS
- MD - MEDIUM DENSITY
- EXISTING ZONING DISTRICTS
- FEMA FLOODWAY



Document Path: G:\gis\projects\planning\marlboro st\2017 MSRP Zoning_flood.mxd

Summary of Potential and Proposed Map Changes: O-2016-02

A.

305 Marlboro Street at Baker Street

Comparison of Existing and Proposed Zoning Districts

Permitted Use	(Being Discussed) Neighborhood Business (NB)	(Existing) High Density (HD)	(Being Discussed) Residential Preservation (RP)
Dwelling, Single-Family		P	P
Dwelling, Duplex/Two Family		P	P (Affidavit Required)
Dwelling, Multi	P	P	
Group Home		P	
Historic site open to the public	P	P	P
Senior Center		P	
Bed and breakfast w/ Meeting/Dining Facilities	SE	SE	
Bed and breakfast inn/tourist home	P	SE	P
Boardinghouse/lodging house		SE	
Fraternity/sorority		SE	
Institutional Use: Health Care Facility, Hospital, Clinic, Nursing Home, Sanitarium, Convalescent Home, Home for the Aged, Private School, Place of Worship, Senior Center, Museum, Child Care Facility	SE	SE	
Neighborhood Grocery Store	< 3,500 SF	SE	
Accessory Dwelling Unit			P <1,500 SF
Funeral parlor	P		
Health & Fitness Center	P		
Home Occupation/ Live-Work (incidental to main residential use)	P	Condition (Div. 5)	
Noncommercial raising of farm animals			P
Nursery/Child Care Facility	P		P (<2,500SF)
Nursery/Greenhouse	P		
Office	< 1,000 SF		

P = Permitted use

CUP = Conditional Use Permit required

SE = Special Exception required

A.

305 Marlboro Street at Baker Street

Comparison of Existing and Proposed Zoning Districts

Permitted Use	(Being Discussed) Neighborhood Business (NB)	(Existing) High Density (HD)	(Being Discussed) Residential Preservation (RP)
Offices for corporate	<1,000SF		
Restaurant	<1,500SF		
Retail sales/services	P		

P = Permitted use

CUP = Conditional Use Permit required

SE = Special Exception required

A.

305 Marlboro Street at Baker Street
Comparison of Existing and Proposed Zoning Districts

ZONING DISTRICTS	MAXIMUM BUILDING HEIGHT - STORIES	MAX. BLDG. HT./STORIES (w/ 1st Floor Parking)	MAX. BLDG. HT./STORIES for INCENTIVE ELIGIBLE PROJECTS	MAX. BLDG. HT./STORIES for INCENTIVE ELIGIBLE PROJECTS (w/ 1st Floor Parking)	MINIMUM LOT AREA for 1st DWELLING UNIT	MIN. LOT SIZE for INCENTIVE ELIGIBLE PROJECTS	MINIMUM LOT SIZE PER additional DWELLING UNIT/S	MINIMUM LOT WIDTH AT BUILDING LINE	MINIMUM BUILDING SETBACKS	MIN. BLDG. SETBACKS for INCENTIVE ELIGIBLE PROJECTS	MINIMUM SETBACK between STRUCTURE & NEW-PARKING-LOTS-IMPERVIOUS /PAVED AREAS	MAXIMUM % OCCUPIED BY STRUCTURE	MAXIMUM % OF LOT IMPERMEABLE (Includes Structures & Paving)	MINIMUM LANDSCAPE BUFFER from STRUCTURES	MINIMUM OPEN SPACE SETBACKS; NEW STRUCTURE further from 100-YEAR FLOODWAY	MINIMUM % GREEN/OPEN SPACE
Neighborhood Business (Proposed)	2	3	n/a	n/a	8,000 SF	n/a	None	n/a	5' Front*	n/a	10'	55	55	10' Front 10' Side 10' Rear	n/a	45
High Density (Existing)	2	n/a	n/a	n/a	6,000 SF	n/a	5,000 SF	50'	15' Front 10' Side 15' Rear			55	75			25
Residential Preservation (Proposed)	2	n/a	n/a	n/a	8,000 SF	n/a	5,400 SF	60'	15' Front 10' Side 20' Rear	n/a		35	45		n/a	55

*Minor deviations equal to a maximum of 33 percent of street frontage are permitted for parks, open space, patio space or such architectural features as recesses, niches, ornamental projections, entrance bays, or other articulations of the façade, unless otherwise prohibited by City Code. Additionally, the front building setback shall be 5' maximum from a Marlboro Street frontage.

B.

0 & 215 Water Street Parcels (Hamblet & Warner)

Comparison of Existing and Proposed Permitted Uses

Permitted Use	Industrial (I) (EXISTING)	Medium Density (MD) (PROPOSED)	Business Growth & Re-Use (BGR) (BEING DISCUSSED)
Assembling	P		P SE (>30K SF)
Bulk storage and distribution, including flammable materials	P		
Bulk storage and distribution, including flammable materials, accessory to main manufacturing use	P		
College: undergraduate, graduate and industrial training programs	P (Condition)		P SE (>30K SF)
Garage, business	P		
Health & Fitness Center	P (SE for outdoor activities.)		P SE (Outdoor Activities)
Historic site open to the public	P	P	P
Home Offices of Insurance Companies, Publishing Companies, Manufacturing Firms	P		P SE (>20K SF)
Office, small scale corporate, business or professional purposes	P		P SE (>20K SF)
Manufacture/ Manufacturing	P		P
Motor vehicle repair garage, paint shop	P (Condition)		
Noncommercial outdoor recreational activity	P		
Processing	P		P SE (>30K SF)
Research & Development Laboratory	P		P SE (>30K SF)
Warehousing	P		P SE (>30K SF)
Wholesaling	P		P SE (>30K SF)
Asphalt plant, smelter, forge, tannery, brewery, rendering plant, explosives manufacturing	SE		
Institutional Use: Health Care Facility, Hospital, Clinic, Nursing Home, Sanitarium, Convalescent Home, Home for the Aged, Private School, Place of Worship, Senior Center, Museum, Child Care Facility	SE	SE	P

P = Permitted use

CUP = Conditional Use Permit required

SE = Special Exception required

B.

0 & 215 Water Street Parcels (Hamblet & Warner)

Comparison of Existing and Proposed Permitted Uses

Permitted Use	Industrial (I) (EXISTING)	Medium Density (MD) (PROPOSED)	Business Growth & Re-Use (BGR) (BEING DISCUSSED)
Nursery/Child Care Facility	SE		Institutional
Offices for corporate, business or professional purposes (single office min. 10,000 sf)	SE		
Storage facility, self-service	SE		
Bed and breakfast w/ Meeting/Dining Facilities			P
Bed and breakfast inn/tourist home			P
Bulk Storage			P SE (>30K SF)
Child care facilities for employees only			Institutional
Clinic			Institutional (SE)
Dwelling, Single-Family		P	P
Dwelling, Duplex/Two Family		P	P
Dwelling, Multi		P (3 max)	P Special Conditions
Group Home		SE	
Home Occupation/ Live-Work (incidental to main residential use)		P-Condition (Div. 5)	P
Neighborhood Grocery Store			< 3,500 SF
Noncommercial raising of farm animals		P	
Nursery/Greenhouse			P
Place of Worship			Institutional (SE)
Private school			Institutional (SE)
Recycling Plant	Visual Screening Required		
Restaurant			P
Senior Center			Institutional (SE)

P = Permitted use

CUP = Conditional Use Permit required

SE = Special Exception required

B.

0 & 215 Water Street Parcels (Hamblet & Warner)

Comparison of Existing and Proposed Permitted Uses

ZONING DISTRICTS	MAXIMUM BUILDING HEIGHT - STORIES	MAX. BLDG. HT./STORIES (w/ 1st Floor Parking)	MAX. BLDG. HT./STORIES for INCENTIVE ELIGIBLE PROJECTS	MAX. BLDG. HT./STORIES for INCENTIVE ELIGIBLE PROJECTS (w/ 1st Floor Parking)	MINIMUM LOT AREA (for 1st DWELLING UNIT)	MIN. LOT SIZE for INCENTIVE ELIGIBLE PROJECTS	MINIMUM LOT SIZE PER additional DWELLING UNIT/S	MINIMUM LOT WIDTH AT BUILDING LINE	MINIMUM BUILDING SETBACKS	MIN. BLDG. SETBACKS for INCENTIVE ELIGIBLE PROJECTS	MINIMUM SETBACK between STRUCTURE & NEW-PARKING-LOTS IMPERVIOUS /PAVED AREAS	MAXIMUM % OCCUPIED BY STRUCTURE	MAXIMUM % OF LOT IMPERMEABLE (Includes Structures & Paving)	MINIMUM LANDSCAPE BUFFER from STRUCTURES	MINIMUM OPEN SPACE SETBACKS; NEW STRUCTURE further from 100-YEAR FLOODWAY	MINIMUM % GREEN/OPEN SPACE
Medium Density (Existing)	2	n/a	n/a	n/a	8,000 SF	n/a	5,400 SF	60'	15' Front			45	60			40
									10' Side							
									15' Rear							
Industrial (Existing)	2	n/a	n/a	n/a	none	n/a	n/a	none	20' Front	n/a	n/a	80	80			
									15' Side							
									20' Rear							
Business Growth and Re-Use (Proposed)	42	3	3	4	10,000 SF	None	n/a	n/a	10' Front*	0' Front	20'	n/a	45	10' Front	20' Front	55
									20' Side	0' Side				10' Side	20' Side	
									20' Rear	0' Rear				10' Rear	20' Rear	

*Minor deviations equal to a maximum of 33 percent of street frontage are permitted for parks, open space, patio space or such architectural features as recesses, niches, ornamental projections, entrance bays, or other articulations of the façade, unless otherwise prohibited by City Code. Additionally, the front building setback shall be 5' maximum from a Marlboro Street frontage.

P = Permitted use

CUP = Conditional Use Permit required

SE = Special Exception required

C.

122, 124 & 163 Water Street Parcels (Tom's Auto & Brackett)

Comparison of Existing and Proposed Permitted Uses

Permitted Uses	(EXISTING) Industrial (I)	Business Growth & Re-Use (BGR)	(EXISTING) Central Business (CB)
Assembling	P	P SE (>30K SF)	
Bulk storage and distribution, including flammable materials	P		
Bulk storage and distribution, including flammable materials, accessory to main manufacturing use	P		
College: undergraduate, graduate and industrial training programs	P (Condition)	P SE (>30K SF)	
Garage, business	P		P
Health & Fitness Center	P (SE for outdoor activities.)	P SE (Outdoor Activities)	SE for Outdoor Activities
Historic site open to the public	P	P	P
Home Offices of Insurance Companies, Publishing Companies, Manufacturing Firms	P	P SE (>20K SF)	
Office, small scale corporate, business or professional purposes	P	P SE (>20K SF)	
Manufacture/ Manufacturing	P	P	
Motor vehicle repair garage, paint shop	P (Condition)		
Noncommercial outdoor recreational activity	P		
Processing	P	P SE (>30K SF)	
Research & Development Laboratory	P	P SE (>30K SF)	P
Warehousing	P	P SE (>30K SF)	
Wholesaling	P	P SE (>30K SF)	
Asphalt plant, smelter, forge, tannery, brewery, rendering plant, explosives manufacturing	SE		

P = Permitted use

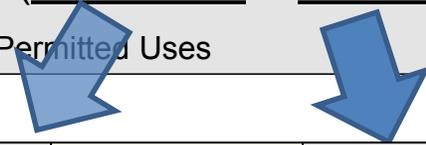
CUP = Conditional Use Permit required

SE = Special Exception required

C.

122, 124 & 163 Water Street Parcels (Tom's Auto & Brackett)

Comparison of Existing and Proposed Permitted Uses



Permitted Uses	(EXISTING) Industrial (I)	Business Growth & Re-Use (BGR)	(EXISTING) Central Business (CB)
Institutional Use: Health Care Facility, Hospital, Clinic, Nursing Home, Sanitarium, Convalescent Home, Home for the Aged, Private School, Place of Worship, Senior Center, Museum, Child Care Facility	SE	P	P
Nursery/Child Care Facility	SE	Institutional (SE)	P
Offices for corporate, business or professional purposes (single office min. 10,000 sf)	SE		
Storage facility, self-service	SE		
Art Center			P
Banking or lending institution			P
Bed and breakfast w/ Meeting/Dining Facilities		P	
Bed and breakfast inn/tourist home		P	
Bulk Storage		P SE (>30K SF)	
Child care facilities for employees only		Institutional (SE)	
Clinic		Institutional (SE)	P
Drive-in use			SE
Dwelling, Single-Family		P	
Dwelling, Duplex/Two Family		P	
Dwelling, Multi		P Special Conditions	P
Funeral parlor			P
Home Occupation/ Live-Work (incidental to main residential use)		P	P
Hotel/Motel			P

P = Permitted use

CUP = Conditional Use Permit required

SE = Special Exception required

C.

122, 124 & 163 Water Street Parcels (Tom's Auto & Brackett)

Comparison of Existing and Proposed Permitted Uses

Permitted Uses	(EXISTING) Industrial (I)	Business Growth & Re-Use (BGR)	(EXISTING) Central Business (CB)
Neighborhood Grocery Store		< 3,500 SF	
Nursery/Greenhouse		P	
Offices, including warehousing, wholesaling or retailing			P
Parking area (lot)			P
Place of Worship		Institutional (SE)	P
Private club, lodge or fraternal activity			P
Private school		Institutional (SE)	P
Recreational activity as a business			SE
Recycling Plant	Visual Screening Required		
Restaurant		P	P
Retail sales/services			P (includes indoor MV)
Senior Center		Institutional (SE)	

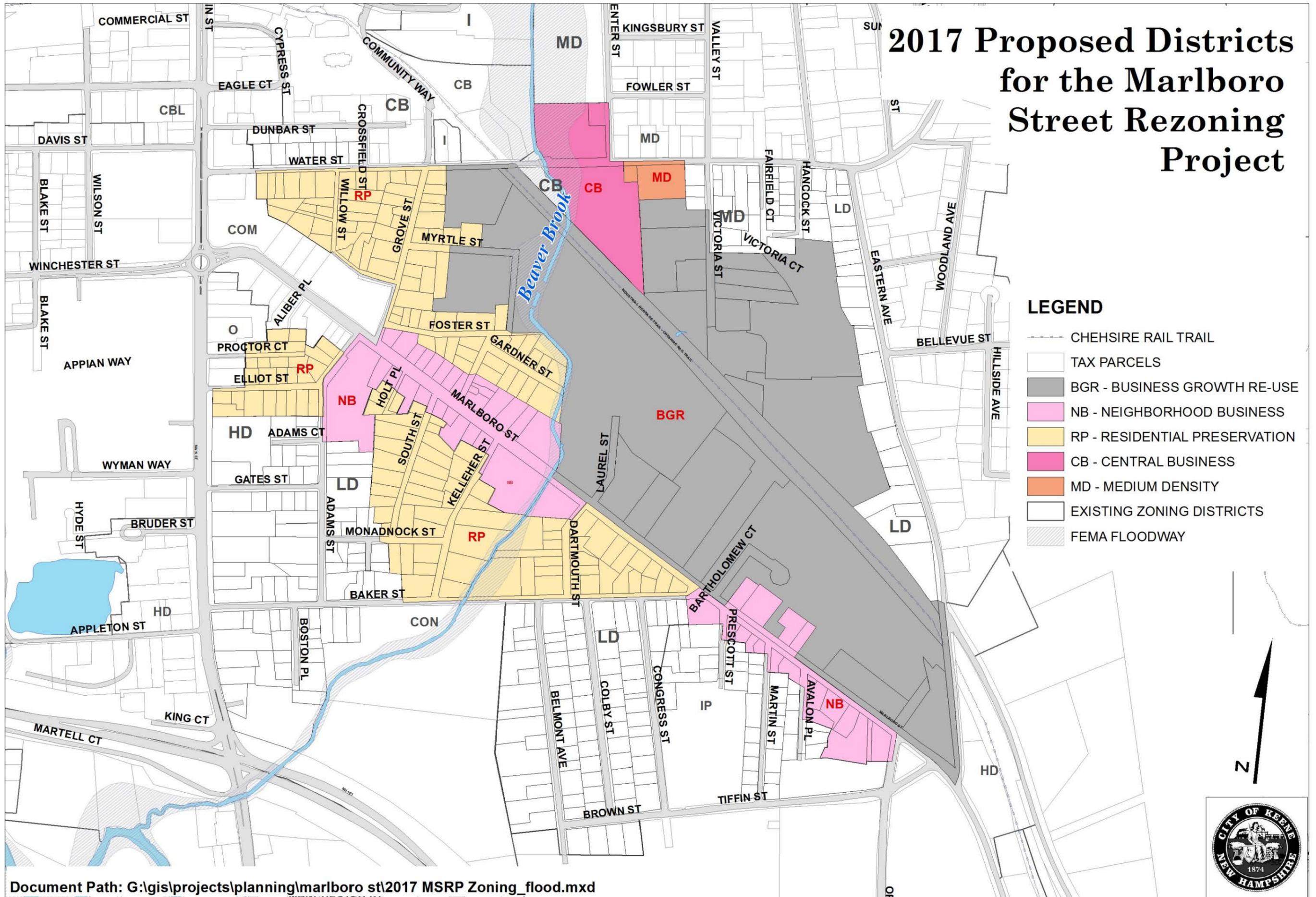
C.

122, 124 & 163 Water Street Parcels (Tom's Auto & Brackett)
Comparison of Existing and Proposed Permitted Uses

ZONING DISTRICTS	MAXIMUM BUILDING HEIGHT - STORIES	MAX. BLDG. HT./STORIES (w/ 1st Floor Parking)	MAX. BLDG. HT./STORIES for INCENTIVE ELIGIBLE PROJECTS	MAX. BLDG. HT./STORIES for INCENTIVE ELIGIBLE PROJECTS (w/ 1st Floor Parking)	MINIMUM LOT AREA (for 1st DWELLING UNIT)	MIN. LOT SIZE for INCENTIVE ELIGIBLE PROJECTS	MINIMUM LOT SIZE PER additional DWELLING UNIT/S	MINIMUM LOT WIDTH AT BUILDING LINE	MINIMUM BUILDING SETBACKS	MIN. BLDG. SETBACKS for INCENTIVE ELIGIBLE PROJECTS	MINIMUM SETBACK between STRUCTURE & NEW-PARKING-LOTS-IMPERVIOUS /PAVED AREAS	MAXIMUM % OCCUPIED BY STRUCTURE	MAXIMUM % OF LOT IMPERMEABLE (Includes Structures & Paving)	MINIMUM LANDSCAPE BUFFER from STRUCTURES	MINIMUM OPEN SPACE SETBACKS; NEW STRUCTURE further from 100-YEAR FLOODWAY	MINIMUM % GREEN/OPEN SPACE
Central Business (Existing)	4	n/a	n/a	n/a	none	n/a	n/a	none	None	n/a	n/a	100	100	n/a	n/a	None
									None							
									None							
Business Growth and Re-Use (Proposed)	42	3	3	4	10,000 SF	None	n/a	n/a	10' Front*	0' Front	20'	n/a	45	10' Front	20' Front	55
									20' Side	0' Side				10' Side	20' Side	
									20' Rear	0' Rear				10' Rear	20' Rear	
Industrial (Existing)	2	n/a	n/a	n/a	none	n/a	n/a	none	20' Front	n/a	n/a	80	80	n/a	n/a	None
									15' Side							
									20' Rear							

*Minor deviations equal to a maximum of 33 percent of street frontage are permitted for parks, open space, patio space or such architectural features as recesses, niches, ornamental projections, entrance bays, or other articulations of the façade, unless otherwise prohibited by City Code. Additionally, the front building setback shall be 5' maximum from a Marlboro Street frontage.

2017 Proposed Districts for the Marlboro Street Rezoning Project



Document Path: G:\gis\projects\planning\marlboro st\2017 MSRP Zoning_flood.mxd



Marlboro Zoning Ordinance – O-2016-01

To Amend Chapter 2300, Districts within the Zoning Ordinance of the City of Keene

1. That the Ordinances of the City of Keene, Article IV, Division I, Section 102-241(a), Establishment and boundary lines, are amended by adding the following districts to *District Titles* as follows:
 - a) Residential Preservation - RP
 - b) Business Growth and Re-Use - BGR
 - c) Neighborhood Business – NB

2. That the Ordinances of the City of Keene, Article IV, is amended by adding the following Districts:

Division 21. - Residential Preservation (RP)

Sec. 102-770. – Intent

The intent of this Residential Preservation District (RP) is to provide and/or re-create a neighborhood of residential properties that prioritizes family units. The RP has a mix of small to large residential house types. There are shallow front setbacks and shallow to medium side setbacks; with variable, private landscaping, streets with curbs, sidewalks, and shade trees that define medium to large blocks.

- (1) Prioritize residential uses with proximity to small, urban green spaces connected to walk and bike locations along and into the connecting streets and districts;
- (2) Encourage an environment where buildings are arranged, sized and scaled according to the needs and comfort of pedestrians;
- (3) Encourage and/or maintain walk and bike-friendly connections throughout the district and along streets;

Sec. 102-770.1 - Permitted Principal Uses – Any mixture of these primary uses is permitted

Permitted Use	Subject to the Following:
Accessory Dwelling Unit (ADU)	<1,500 SF
Bed & Breakfast Inn/Tourist Home	
Bed & Breakfast w-Meeting/Dining Facilities	Special Exception
Dwelling, Single-family Dwelling	
Duplex/Two-Family Dwelling	Affidavit of owner-occupancy for new structures with Certificate of Occupancy
Noncommercial Raising of Farm Animals	
Nursery/ or Child Care Facility	< 2,500 SF

Sec. 102-770.2 - General

- 1) In the case of a “Duplex/Two-Family Dwelling”, the property owner must occupy one of the two dwelling units.

Comment [M1]: The addition of “Duplex” to the RP zoning district was introduced at the April, 2016 Jt. Mtg. and discussed at several meetings thereafter.

Sec. 102-770.3 – Density, Height, Dimensional Regulations

MAXIMUM BUILDING HEIGHT - STORIES	MINIMUM LOT SIZE	MINIMUM LOT SIZE PER DWELLING UNIT	ALLOWABLE DWELLING UNITS	MINIMUM LOT WIDTH AT BUILDING LINE	MINIMUM SETBACKS; BUILDINGS	MAXIMUM % OCCUPIED BY STRUCTURE/S	MAXIMUM % OF LOT IMPERMEABLE (Buildings & Pavement)	MINIMUM % GREEN/OPEN SPACE
2	8,000 SF	5,400 SF	2	60'	15' Front	35%	45%	55%
					10' Side			
					20' Rear			

The consensus was to add the use with the provision of a mechanism that establishes and requires owner-occupancy. The least onerous methods being shown:

1. A general condition, and
2. An affidavit upon application for an Occupancy Permit.

Sec. 102-770.4 -5 - Reserved

Comment [M2]: The dimensional regulations for the RP zoning district was discussed at the May 2016 Jt. Mtg. by analyzing sample parcels.

Division 22 - Business Growth and Re-Use District (BGR)

Sec. 102-771.0 – Intent

The intent of this district is to enhancing the economic vitality of the area by re-developing the area with new technology companies as well as clean manufacturing, processing, assembling and wholesaling businesses within a walkable, human-scaled location. The district can also provide additional height, density, and mixed-use incentives to attract redevelopment adjacent to Keene’s urban core. Existing infrastructure and services as well as access to the Cheshire Rail Trail can maximize smart growth possibilities. Creative development opportunities abound alongside the

It was established that of 181 total parcels in the RP zoning district, 18 would become non-conforming w/ the inclusion of “duplexes”.

The # of non-conforming RP parcels was reduced further to 8 by the subsequent removal of the Water & Dunbar St. parcels; discussed at several meetings with consensus at the October Jt. Mtg.

Beaver Brook corridor, within Keene's environmentally-progressive planning policies and adaptive re-use is strongly encouraged.

- 1) Create conditions suitable to co-exist adjacent to residential neighborhoods;
- 2) Create conditions which support that of a high quality, walkable community. A "Walkable Community" being an economically thriving, livable, aesthetically harmonious, ecologically sustainable place that gives their residents a variety of safe transportation choices and improved quality of life.
- 3) Create a sense of place through enhancing public access, providing landscape amenities, ensuring proper lighting and promoting an aesthetically-pleasing streetscape;
- 4) Connect uses and buildings while prioritizing pedestrian and bicycle access separate from vehicular access;
- 5) Utilize the construction of new and adaptive re-use of existing buildings as opportunities to create "outdoors rooms", a critical element of "place-making"; aiming for ratios of building facades to roadway widths from 1:2 to 3:2;
- 6) Recognizing as well as the role of large street trees which also play an important role in creating a pedestrian scale. Pedestrian comfort being another critical element to the vitality of these new places being created;
- 7) Reduce the impacts of parking through its placement behind or alongside buildings;
- 8) Provide open space and landscaping to create shade and small, public spaces for social interaction, enhancing the visual appearance and appeal of the individual properties along Marlboro Street and connecting streets;
- 9) Provide trails for pedestrians and bicyclists to ensure that Keene's walkable and bicycle-friendly environment is extended along Marlboro Street and into the connecting streets and neighborhoods;
- 10) Provide pedestrian amenities such as kiosks, stands, street furniture, drinking fountains, trash and recycling receptacles,
- 11) Enhance the visual appearance of the individual properties, Marlboro Street, and connecting streets;
- 12) Provide location-sensitive transitions between neighborhoods and uses along Marlboro Street; and
- 13) Provide shade and public spaces for social interaction.

Sec. 102-771.1 - Permitted Principal Uses – Any mixture of these primary uses is permitted:

Comment [M3]: Discussed at the April Jt. Committee Mtg. regarding BGR Primary Uses

#1 - INCREASED SQUARE FOOTAGE: Enlarged the SF to make sure to not discourage larger businesses. Provision for “Special Exception” will allow review to assure that impacts are evaluated prior to approval.

#2 – Discussed that 80% of jobs in Keene are in businesses that use less than 50,000.

#3 – Established that both Office and Manufacturing Principal Uses have equivalent size regulations.

#4 - Increased to 30K SF per Monadnock Economic Development Corporation’s (MEDC) recommendation of most frequent SF requests for new businesses.

#5 - INSTITUTIONAL USES added.

#6 - NEIGHBORHOOD GROCERY SQUARE FOOTAGE: enlarged after additional research on optimum size for this type of market.

#7 - TERM REVISIONS per the November and December Jt. Mtg. decisions on TERMS and DEFINITIONS.

Permitted Use	Subject to:
Assembly	Any one use may occupy no more than 20,000-30,000 gross square feet of floor space. Special exception subject to criteria for > 30,000 square feet.
Bed an Breakfast Inn/Tourist Home	
Bed and Breakfast with Meeting/Dining	
Bulk Storage & Distribution of goods, accessory to main manufacturing use	Any one use may occupy no more than 20,000-30,000 gross square feet of floor space. Special exception subject to criteria for > 30,000 square feet.
Clinic	Any one use may occupy no more than 20,000-30,000 gross square feet of floor space. Special exception subject to criteria for > 30,000 square feet.
College: undergraduate, graduate and industrial training programs -Fraining- Undergraduate,- Graduate & Industrial Programs	Any one use may occupy no more than 20,000-30,000 gross square feet of floor space. Special exception subject to criteria for > 30,000 square feet.
Greenhouse/Nursery	
Health & Fitness Center	Special Exception required for all outdoor activities. Accessory use only.
Historic Site,-Open to Public	
Home Occupation/Live-Work Unit Spaae	
Home Offices (Insurance/Publishing Companies, Manufacturing Firms)	
Institutional Use: Health Care Facility, Hospital, Clinic, Nursing Home, Sanitarium, Convalescent Home Home for the Aged, Private School, Place of Worship, Senior Center, Museum, Child Care Facility	Special Exception. Subject to conditions and limitations as specified in Division 12 of Article V pertaining to institutional uses.
Manufacturing/Processing	Any one use may occupy no more than 20,000-30,000 gross square feet of floor space. Special exception subject to criteria for > 30,000 square feet.

Multi-Dwelling Structure, Multi-Family	Special condition mixed use only when connected to a particular commercial or specific industrial use. See criteria.
Neighborhood Grocery Store	< 4,500 SF 3,500 SF
Nursery/Greenhouse	
Nursery/Child-Care-Facility	Special Exception
Office, Small Scale Corporate, Business or Professional Purposes	Any one use may occupy no more than 40,000-20,000 gross SF of floor space. Special exception subject to criteria for > 20,000 square feet.
Research & Development Laboratory	Any one use may occupy no more than 20,000-30,000 gross square feet of floor space. Special exception subject to criteria for > 30,000 square feet.
Restaurant	As distinguished from a bar and less than 50 seats.
Warehousing	Any one use may occupy no more than 20,000-30,000 gross square feet of floor space. Special exception subject to criteria for > 30,000 square feet.
Wholesaling	Any one use may occupy no more than 20,000-30,000 gross square feet of floor space. Special exception subject to criteria for > 30,000 square feet.

Sec. 102-771.2 – General

- (1) Buildings may have more than one principal façade and/or entry.
- (2) New buildings which have a property line along Beaver Brook are encouraged to “face” Beaver Brook as an amenity. Beaver Brook has a legal “floodway” on either side of its banks which form a “No-Build Setback Strip.” This strip is dry most of the year.
- (3) For ecological and aesthetic reasons, the City encourages this “No-Build Setback Strip” to be maintained as an open, strip of native grasses and wildflower meadow from NH Route 12 to Railroad Street. The City also encourages an easement be granted to the City for a ~~passive~~ walking and bicycling trail connection from NH Route 12 along Beaver Brook to the City’s Rail Trail connection at Water Street.
- (4) Service alleys shall be no more than 15 feet wide.

- (5) Lighting and windows onto a service alley shall be placed at regular, evenly-spaced intervals.
- (6) Ground-level HVAC units are not permitted, unless completely screened from street, sidewalk, path and street views.

Sec. 102-771.3 – New Building Incentive Option

Application procedures and information required.

(a) Upon application, the zoning administrator shall begin the process for evaluating whether or not a project is eligible for the incentives contained within the BGR district. The applicant shall be responsible for submitting a letter of intent, application form and application fee (collectively identified as the "application") to the zoning administrator to initiate this process.

(b) The letter of intent, signed by the applicant and property owner, or his authorized agent, shall include a narrative that addresses the following:

- (1) A description of the complete project and what strategies will be employed to obtain a green building certification.
- (2) The green building system and level of attainment proposed for the project.
 - a. LEED®, Green Globes, the National Green Building Standard (ICC 700), and the International Green Construction Code are the acceptable Green Building Rating systems for this article.
 - b. Demonstrated compliance with these systems will permit pre-certification.
- (3) All necessary information to allow an informed decision regarding the applicant's ability to comply with the chosen rating system.
- (4) Statement that the applicant releases the City of Keene, its officers, employees, agents and servants from any liability if the applicant is unsuccessful in efforts to attain green building certification or equivalent, as identified in this article.

(c) With the letter of intent, the applicant will choose a third party reviewer from a listing of third party reviewers maintained by the code enforcement department. The applicant can provide a third-party nomination to the code enforcement department, but acceptance of the third party shall be at the sole discretion of the department. The costs and expenses of the third-party reviewer shall be paid by the applicant at the time of the filing of the application. Within 35 business days, the third-party reviewer will make a determination of the project's ability to achieve a minimum green building pre-certification status for one of the following rating systems:

LEED ®	LEED ® Silver
Green Globes	Two Green Globes
National Green Building Standard (ICC 700)	Silver - Green Building; and/or Two Stars - Site Design and Development
International Green Construction Code	Minimum compliance with the code and compliance with the adopted levels in Table 102.4.12.
Allowable Green Building Systems	

(d) Within ten business days after receipt of third-party review, results and commentary, the zoning administrator shall determine in writing if the project is:

- (1) Eligible for BGR district incentives.
- (2) Ineligible for BRG district incentives.

(e) Once the zoning administrator has issued a decision that the project is eligible, the applicant cannot change the proposed green building rating system without first obtaining the approval of the zoning administrator. In making this re-determination, the zoning administrator may require that the proposed change(s) be submitted to a third-party reviewer as provided by this article.

(f) Upon application, the applicant shall submit the review of the third-party and any acceptances or certifications from green rating agencies to demonstrate compliance with the proposed green building rating system or code.

(g) Prior to the issuance of a certificate of occupancy, the zoning administrator shall receive certification or documentation from the qualified third-party reviewer that the as-built project has achieved the proposed rating system. No certificate of occupancy or temporary certificate of occupancy shall be issued without demonstrated evidence supplied by the applicant and third-party reviewer that the project has achieved the proposed level of green building compliance.

Sec. 102-771.4 – Density, Height, Dimensional ~~Incentives-Regulations~~

Comment [M4]: Per the July Jt. Committee Mtg. discussion:

#1 - Table modified to show both Incentive and regular Density, Height and Dimensional requirements. Per the July mtg. discussions; clarifying the benefits of the Incentive Option.

#2 - REGULATIING SIDEWALK WIDTHS was deemed infeasible.

#3 – MAXIMUM OF LOT IMPERMEABLE (45%) is equivalent to that of both LOW DENSITY & RESIDENTIAL PRESERVATION with the added consideration of the area’s predominance for seasonal flooding. Current INDUSTRIAL zoning district allows up to 80% impermeable.

Table 4: Dimensional Regulations for Eligible BGR Projects

Maximum Building Height		Maximum Building Height for Incentive Eligible Projects		Minimum Lot Size	Minimum Lot Size for Incentive Eligible Projects	Minimum Building Setbacks	Minimum Setback Between Structure & New Parking-Lots Impervious /Paved Areas	Minimum Landscape Buffer from at Structures	Minimum Open Space Setbacks; New Structure further from 100-year Floodway	Sidewalk Widths	Maximum % of Lot Impermeable (Includes Structures & Paving)	Minimum % Green/Open Space
Permitted	Permitted w/ 1st Fl. Prkg.	Permitted	Permitted w/ 1st Fl. Prkg.									
4	2	3	4	10,000 SF	None	20' 10' * Front 20' Side 20' Rear	20'	10' Front 10' Side 10' Rear	20' Front 20' Side 20' Rear	10/20'	45	55

* The front building setback shall be 5' maximum from a Mariboro Street frontage.

~~Projects that meet eligibility may take advantage of additional building height opportunity.~~

~~*Sidewalk widths along streets within the BGR district shall be no less than ten feet off street and 20 feet along a street.~~

- (1) A new structure constructed within the BGR District shall have no fewer than two stories.
- (2) **Projects that meet eligibility requirements may take advantage of additional building height opportunities.**
- (3) ~~There shall be a maximum structure~~ **With regard to the front building** setback of five feet from any Marlboro Street property line. Minor deviations equal to a maximum of 25 percent of street frontage are permitted for parks, open space, plazas or such architectural features as recesses, niches, ornamental projections, entrance bays, or other articulations of the façade, unless otherwise prohibited by City Code.
- (4) ~~There shall be a maximum structure~~ **With regard to the front building** setback of ten feet from any **other** street frontage property line in the BGR District, **minor** deviations equal to a maximum of 33 percent of building frontage are permitted for parks, open space, patio space or such architectural features as recesses, niches, ornamental projections, entrance bays, or other articulations of the façade, unless otherwise prohibited by City Code.
- (5) First floors are **encouraged** to be **designated** for vehicular or bicycle parking **only. An additional story of building height is offered as an incentive.**

Comment [M5]: Staff revision for clarity of incentive option.

Comment [M6]: Staff revision for clarity per the Gilbo Avenue Design Overlay District.

Comment [M7]: July Jt. Comm. Mtg.: #1 - Consensus to not require first floor parking.

#2 - Wording changed to "encourage" this provision which would allow an additional building floor.

Comment [M8]: Further staff discussions deemed this provision not productive/useful for the existing buildings within the proposed BGR zoning district.

~~**Sec. 102-771.5 Adaptive Re-Use Incentive Option**~~

~~The City encourages reuse of existing buildings whenever possible for reasons of existing infrastructure efficiency, possible historical preservation and potential smart growth advantages.~~

~~Project Incentives: Adaptive Reuse Projects that comply with the majority of existing Development Standards and a solid set of Smart Growth Principles can also be eligible for the following incentives:~~

- (1) ~~The project can exceed the maximum density for the site provided the Adaptive Reuse Project is in compliance with the development standards.~~
- (2) ~~Existing building setbacks may remain and shall be considered legal nonconforming, but no further encroachments shall be permitted into any nonconforming setback.~~
- (3) ~~The height of the structure, if it exceeds the maximum height of the zoning district, may remain and shall be considered legal nonconforming, and any rooftop construction shall be included within the height exemption.~~
- (4) ~~A new loading zone shall not be required if the existing building does not have an existing loading zone.~~
- (5) ~~New parking spaces shall not be required for any converted use within the building, but any new square footage that includes any new units shall require additional parking at a minimum rate of 2 spaces per unit.~~

Sec. 102-771.65 - Parking Regulations and Incentives

- 1) Parking Regulations - Shared parking to reduce the total number of parking spaces required for properties within this zone will be allowed as permitted under *Chapter 102*

Zoning: Article XIV. Shared Paring with the Sustainable Energy Efficient Development (SEED) Overlay.

- 2) Parking lots shall not be permitted at transition points into and out of the BGR district unless screened with landscaping and/or, fencing, existing buildings, new buildings.
- 3) Parking lots shall be located at the rear or side of a building(s).
- 4) The following parking requirements shall apply for an eligible project:
 - a) This article shall supersede parking requirements established in section 18-253.
 - b) Shared parking shall be permitted, pursuant to section 102-1450 - section 102-1456;
 - c) The maximum allowable distance between any property and the location of any off-site parking shall be 750 feet, pursuant to section 102-978;
- 5) The number of parking spaces required for eligible projects within the BGR zoning district shall comply with the parking requirements established in Table II: Parking Calculations for Eligible Projects within the BGR zoning district.

Comment [M9]: Staff reduced the proposed parking incentives to reflect Jt. Committee members' concerns regarding adequate parking requirements voiced at several Jt. Mtgs. See revised table below.

Table II: Parking Calculations for Eligible Projects within the BGR District			
USE CATEGORY	MINIMUM		
Dwellings, Multi-Family	1-25 Dwelling Units: 2.0 spaces per unit		
	26-50 Dwelling Units: 1.75 spaces per unit		
	51-100 Dwelling Units: 1.5 spaces per unit		
	100-150 Dwelling Units: 1.25 spaces per unit		
	>150 Dwelling Units: 1.0 spaces per unit		
Hotel, Motel, or Tourist Homes	One (1) per sleeping room	One (1) per five (5) seats in ancillary restaurants	One (1) per 500 s.f. of other areas
Restaurant, Theatre, Auditorium, Church, Places or Indoor Assembly	One (1) per every four (4) seats		
Retail	General Retail: one (1) per 275 s.f. of floor area		

Table II: Parking Calculations for Incentive Eligible Projects within the Business Growth & ReUse District	
USE CATEGORY	MINIMUM
Dwellings, Multi-Family*	1-25 Dwelling Units: 2.0 spaces per unit
	26-50 Dwelling Units: 1.75 spaces per unit
	51-100 Dwelling Units: 1.5 spaces per unit
	>100 Dwelling Units: 1.25 spaces per unit
* per Sec. 102-794 "...except per unit for elderly or special population housing which can demonstrate a reduced demand for parking"	

Sec. 102-771.76-9 – Reserved

Division 23 - Neighborhood Business District (NB)

Sec. 102-772.0 – Intent

These will be mixed use districts with small businesses to support the adjacent neighborhoods and workplaces. The district NB is intended to enhance the visual character of the existing commercial corridors as well as to encourage site designs that promote pedestrian circulation, small urban parks and transportation alternatives along Marlboro Street. Some uses which are not retail or service in nature are also allowed so that a variety of uses may locate in existing buildings. Uses are restricted in size to promote a local scale and to limit adverse impacts on nearby residences. Development is intended to be pedestrian-oriented and compatible with surrounding residential areas. A mixture of uses side by side and in the same structure is to be encouraged. Location of parking is limited, since its appearance is generally out of character with the surrounding residential development.

- (1) Reduce the multiple impacts of automobile parking by limiting the number of spaces per parcel, avoiding large expanses of automobile parking lots facing the streets while providing safe, secure and convenient bicycle parking opportunities.
- (2) Utilize the construction of new and adaptive re-use of existing buildings as opportunities to create “outdoors rooms”, a critical element of “place making”; aiming for ratios of building facades to roadway widths from 1:2 to 3:2;
- (3) Utilize large street trees which also play an important role in creating a pedestrian scale. Pedestrian comfort being another critical element to the vitality of these new places being created;
- (4) Create walk and bike-friendly connections throughout the district and along streets.
- (5) Create an outdoor experience adjacent to buildings, different from the downtown.
- (6) Connect uses and buildings within the Neighborhood Business Districts through pedestrian and vehicular access, prioritizing pedestrian and bicycle access above vehicular access;

Sec. 102-772.1 – Permitted Principal Uses – Any mixture of these primary uses is permitted:

Permitted Use	Subject To:
Bed and Breakfast Inn/Tourist Home	
Bed and Breakfast with Meeting/Dining Facilities	Special Exception
Multi-Dwelling Unit, Multi-Family Structure	
Funeral Parlor	< 3,750SF
Nursery/Greenhouse, Nursery	< 5,000 SF
Health & Fitness Center	< 2,500 SF
Institutional Use: Health Care Facility, Hospital, Clinic, Nursing Home, Sanitarium, Convalescent Home, Home for the Aged, Private School, Place of Worship, Senior Center, Museum, Child Care Facility	Special Exception, Subject to conditions and limitations as specified in division 12 of article V of this chapter pertaining to institutional use.
Neighborhood Grocery Store	< 1,500SF 3,000 SF
Nursery/Child Care Facility	< 3,000SF
Office, Professional	< 2,500 SF <5,000 SF
Public Historic Site	
Restaurant	< 4,000SF <3,500 SF
Retail Sales/Service	< 2,500SF <3,500 SF

Comment [M10]: Revisions discussed at the September Jt. Comm. Mtg. with consensus on the shown changes:

#1 - Addition of both BED & BREAKFAST Principal Uses.

#2 - Addition of INSTITUTIONAL USES

#3 - TERM REVISIONS per the November and December Jt. Mtg. discussions on TERMS and DEFINITIONS.

Sec. 102-772.2 – General

(1) Sidewalk widths along Marlboro Street shall be no less than ten (10) feet and no greater than twenty (20) feet, depending on the highest volume of usage.

Sec. 102-772.2 – Density, Height, Dimensional Regulations

MAXIMUM BUILDING HEIGHT - STORIES	MAX. BLDG. HT/STORIES (w/ 1st Floor Parking)	MINIMUM LOT SIZE	MINIMUM BUILDING SETBACKS	MINIMUM SETBACK between STRUCTURE & IMPERVIOUS /PAVED AREAS	MAXIMUM BUILDING SETBACK from FRONT PROPERTY LINE	MAXIMUM % OCCUPIED BY STRUCTURE	MAXIMUM % OF LOT IMPERMEABLE (Includes Structures & Paving)	MINIMUM LANDSCAPE BUFFER from STRUCTURES	MINIMUM % GREEN/OPEN SPACE
2	4	8,000 SF	5' Front	10'	10**	55	65	10' Front	35
								10' Side	
								10' Rear	

*Minor deviations equal to a maximum of 33 percent of building frontage are permitted for parks, open space, patio space or such architectural features as recesses, niches, ornamental projections, entrance bays, or other articulations of the façade, unless otherwise prohibited by City Code.

Comment [M11]: At the July Jt. Mtg.: regulating municipal sidewalk widths was deemed infeasible.

Comment [M12]: September Jt. Mtg. discussed Density, Height and Dimensional Regulations. Sstaff recommendations for the proposed NEIGHBORHOOD BUSINESS zoning district along Marlboro St.:

#1 – Discussion regarding the benefits of an additional floor for new building with the 1st floor parking led to clarification of ADDITIONAL building floor (4 from 3) with a 1st floor of parking under building.

#2 – Consensus on 4,400 SF MAXIMUM FOOTPRINT OCCUPIED BY STRUCTURE (55%) with additional 800 SF allowed IMPERMEABLE AREA (65%) for walkways and parking (if not 1st floor).

#3 - This leaves 35% MINIMUM % GREEN/OPEN SPACE. The current INDUSTRIAL has no provision and HIGH DENSITY zoning districts requires 25%.

~~Sec. 102-772.3 — Adaptive Re-Use Incentive Option~~

~~Project Incentives: Adaptive Reuse Projects that comply with the Development Standards are eligible for the following project incentives:~~

- ~~(1) The project can exceed the maximum density for the site provided the Adaptive Reuse Project is in compliance with the development standards.~~
- ~~(2) Existing building setbacks may remain and shall be considered legal nonconforming, but no further encroachments shall be permitted into any nonconforming setback.~~
- ~~(3) The height of the structure, if it exceeds the maximum height of the zoning district, may remain and shall be considered legal nonconforming, and any rooftop construction shall be included within the height exemption.~~
- ~~(4) A new loading zone shall not be required if the existing building does not have an existing loading zone.~~
- ~~(5) New parking spaces shall not be required for any converted use within the building, but any new square footage that includes any new units shall require additional parking at a minimum rate of 2 spaces per unit.~~

Sec. 102-772.3 Parking Regulations

- (1) Shared parking to reduce the total number of parking spaces required for properties within this zone will be allowed as permitted under *Zoning: Article XIV. Shared Parking with the Sustainable Energy Efficient Development (SEED) Overlay, Chapter 102-1450*.
- (2) **Parking shall be otherwise in conformance with Section 102-793, Minimum Parking Requirements of these regulations.**
- (3) **Parking lots shall be located at the rear of the building.**

Comment [M13]: Further internal staff discussions determined that this option would not satisfy current concerns regarding adequate parking provisions for new businesses.

Comment [M14]: Additional provisions were suggested to address current concerns regarding adequate parking provisions for new businesses.

Sec. 102-772.54-9 – Reserved

3. That the Ordinances of the City of Keene, Article I, Section 102-2. Definitions, are amended by **revising** the following definitions to read as follows:

Comment [M15]: Joint Committee Mtgs. In November and December came to the following, noted decisions regarding revisions to terms and definitions. Additional terms and definition changes are anticipated as part of the Land Use Code Update Phase II.

Alteration - as applied to a building or structure, means a change or rearrangement in the structural parts, or in the exit facilities, or an enlargement, whether by extending on a side or by increasing in height, or the moving from one location or position to another. **means any construction or renovation to an existing structure other than repair or addition. Applied to a building this means a change or rearrangement in the structural parts, and can include flood proofing or other modifications.**

~~Area, Building—means the maximum horizontal cross section area of the main building and accessory structures on a lot. means the horizontal area measured within the outside of the exterior walls of the ground floor of all principle and accessory buildings on the lot. Areas of the building not provided with surrounding walls shall be included in the building area if such areas are included within the horizontal projection of the roof or floor above.~~

~~Attic, habitable—means an attic which has a permanent stairway as a means of access and egress, and in which the ceiling area at a height of at least seven feet four inches above the attic floor is not more than one third the area of the floor next below.~~

Bed and Breakfast **with Meeting/Dining Facilities** – means a house or portion thereof where short term lodging rooms and meals are provided. The operator of the bed and breakfast shall live on the premises. **means a residential structure consisting of nine(9) or fewer bedrooms rented on a temporary, short term basis for overnight sleeping purposes. Said facility shall have common eating and living areas and provide on-site management on a twenty-four (24) hour basis. Breakfast shall be the only meal served and shall be served to registered guests only. Meals shall be served to registered guests only.**

Building – means a structure designed, built or occupied as a shelter or roofed enclosure for persons, animals or property. **Any structure used or intended for supporting or sheltering any use or occupancy.**

~~Building Height—means the vertical distance measured from the grade plane of the lot grade to the highest point of the roof, excluding chimneys, ventilators, tanks and other accessory features required above the roof. Also excluded are: towers, spires, domes and similar ornamental features, if not used for living purposes; barns, silos, and other farm buildings and structures required for agricultural purposes; and towers for transmission and communication lines, radio towers, fire towers, water towers and airplane beacons. to the average height of the highest roof surface as defined in the latest adopted version of the NH State Building Code, with the exception that grade plane shall refer to mean natural grade and not the finished ground level.~~

Dwelling, Unit – means a room or group of rooms located within a dwelling and forming a single habitable unit with facilities which are used or intended to be used for living, sleeping, cooking and eating. Also, a room or group of rooms within a group home, with or without cooking and eating facilities occupied by not more than two persons. **means a single unit providing complete, independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking and sanitation. Structure types:**

- ~~A. **Accessory Dwelling Unit:** A dwelling unit, for use as a complete independent living facility, located on the same zoning lot as a detached single family or attached single family dwelling. The second unit is created auxiliary to, and is always smaller than the detached single family or attached single family dwelling.~~
- ~~B. **Attached Duplex:** A duplex located on its own lot, which shares one or more common or abutting walls with one other duplex.~~
- ~~C. **Attached Single Family Dwelling:** A dwelling unit, located on its own lot, that shares one or more common or abutting walls with one or more dwelling units; does not share common floor/ceilings with other dwelling units. As attached single family dwelling is also called a townhouse, rowhouse or a common wall house on a fee simple lot.~~
- ~~D. **Attached Multi-Family Dwelling:** more than three (3) units on a lot.~~
- A. ~~Dwelling, Single Family Dwelling~~ **Detached Dwelling, Single Family Dwelling** - means a building used and intended to be used as a single habitable unit for one family, with facilities used or intended to be used for living or sleeping, and including facilities for cooking and eating. **detached dwelling unit located on its own lot, designed for, or intended to be occupied by one family.**
- ~~B. Dwelling, Duplex/Two-Family Dwelling~~ **Two-Family Dwelling** means a building or structure limited to two individual dwelling units. **a building or portion thereof designed, occupied or intended for occupancy a complete, independent living facility for the exclusive use of one family, including permanent full provisions for sleeping, eating, cooking and sanitation. A dwelling unit shall have no more than one kitchen and shall provide complete internal access to all rooms in the unit. Buildings with more than one set of cooking facilities are considered to contain multiple dwelling units unless the additional cooking facilities are clearly incidental and accessory, such as an outdoor grill or a wet bar. means one building designed, occupied or intended for occupancy by two separate families; each a complete, independent living facility with separate, permanent, full provisions for sleeping, eating, cooking and sanitation. Each of the two dwelling units shall provide complete internal access to all rooms in the unit**

~~C. **Manufactured housing Home:** means any structure, transportable in one or more sections, which in the traveling mode, is eight body feet or more in width and 40 body feet or more in length, or when erected on site, is 320 square feet or more, and which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to required utilities, which include plumbing, heating, and electrical heating systems contained therein. Manufactured housing as defined in this section shall not include campers or recreation vehicles as defined in RSA 216 I:1 or RSA 259:84 a; presite built housing as defined in RSA 674:31 a; or modular buildings as defined in RSA 205 C:1, XI.~~

~~A factory-built, single family structure that is manufactured under the authority of 42 U.S.C. Sec. 5401, the National Manufactured Home Construction and Safety Standards Act, that is transportable in one or more sections, is built on a permanent chassis, is designed to be used as a year-round, permanent, single family dwelling, with or without a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air conditioning, and electrical systems contained in the structure; but which is not constructed with a permanent hitch or other device allowing transport of the unit other than for the purpose of initial delivery to a permanent site, and which does not have wheels or axles permanently attached to its body or frame. This definition does not include a recreational vehicle, mobile home, or modular home.~~

~~C. Dwelling, multifamily **Multi-Dwelling Structure:** A structure that contains means a building containing three or more dwelling units that share common walls or floor/ceilings with one or more units. The land underneath the structure is not divided into separate zoning lots. Buildings with more than one set of cooking facilities are considered to contain multiple dwelling units unless the additional cooking facilities are clearly incidental and accessory, such as an outdoor grill or a wet bar.~~

~~Hotel/Motel—shall mean a building or group of buildings which provides sleeping accommodations on a transient basis, with or without meals, but without separate cooking facilities for individual occupants. means a building or group of detached or connected buildings, containing six or more guest rooms, designed or used primarily for providing sleeping accommodations for travelers and/or tourists on a daily or weekly rate basis or a period less than six months. Such establishments shall provide customary hotel/motel services such as linen, maid service, communication service, etc. Said use may also contain such ancillary facilities as conference facilities, restaurant, bar, recreational facilities, ballroom, banquet room and meeting rooms.~~

~~Manufacture/Manufacturing—means the act of making goods or articles from raw materials or unfinished products and includes processing and assembling. means the processing, assembling, and/or converting of raw, unfinished materials or products into articles or substances of different character, or for a different purpose.~~

Mixed-use **Development** – means a combination of different permitted uses within a single building lot.

Nursery/Child Care Facility – means a place where seven or more preschool children are cared for temporarily in their parents' absence. This is not intended to prohibit the care of school-age children temporarily in their parents' absence. **means an establishment, licensed under the provisions of NH state law, for the care and supervision of a person or child away from the person or child's home and apart from the person or child's family.**

~~**Day Care Center:** A facility with provides care, protection and supervision of people for a period of less than 24 hours for more than five people unrelated to the operator, which is licensed under the provisions of NH RSA 170 E:34,I. See also Day Care, Family.~~

~~**Day Care, Family:** Family day care home means an occupied residence in which care is regularly provided for people from at least two unrelated families and which receives a payment, fee or grant for any of the people receiving care, whether or not operated for profit. A family day care home shall be allowed to provide care for five or fewer persons, which shall include those people under 13 years of age who are related to the caregiver.~~

Nursery/Greenhouse – means a place where plants are raised or grown. **means an enterprise that conducts the retail and/or wholesale business of plants grown on the premises, as well as accessory items directly related to their care and maintenance.**

~~Open Space – means land within or related to a conservation residential development, which is set aside for conservation purposes, in accordance with section 102:289. Open space is subject to use limitations as set forth in section 102:289(4) and is intended for the common use, benefit and enjoyment of the residents of the conservation residential development and/or the general public. Open space may be held jointly by the owners of other lands in the conservation residential subdivision, a developer prior to completion of a conservation residential subdivision development, a homeowner's association, the city, or a third party conservation organization. **means land intended to remain undeveloped for use as active or passive recreation areas or for resource protection.**~~

~~Recreation Area – means an area designed primarily for activities, either active or passive, normally considered as recreation. **means a parcel of land for the refreshment of body and mind through forms of play, amusement, or relaxation. The recreational experience may be active, such as boating, fishing, and swimming, or may be passive, such as enjoying the natural beauty of a property or its wildlife. (Term is currently used in Div. 3 Conservation Residential Development Sec. 102-272 Permitted uses)**~~

~~Research and Development Laboratory – means a place devoted to activities engaged in refinement, investigation or experimental study of methods to improve processes or products. Manufacturing of products is not included within this definition. **means a structure or complex of**~~

~~structures designed or used primarily for research development functions. related to industry and similar fields of endeavor that do not involve the mass manufacture, fabrication, processing, or sale of products.~~

~~Restaurant—means any place where food or drink is prepared or served to the public for consumption on the premises. The term "food" includes beverages **means a structure in which the primary use in the preparation, cooking, consumption and sale of food and beverages.**~~

~~4. That the Ordinances of the City of Keene, Article I, Section 102-2. Definitions, are amended by **removing** the following definitions:~~

~~Commercial Lots means any parking lot that provides parking for nonresidential uses or for multi-family dwelling units, defined here as any structures containing more than two dwelling units.~~

~~Dwelling, duplex, means a building or structure limited to two individual dwelling units.~~

~~Dwelling, multifamily structure, means a building containing three or more dwelling units.~~

~~Dwelling, single-family, means a building used and intended to be used as a single habitable unit for one family, with facilities used or intended to be used for living or sleeping, and including facilities for cooking and eating.~~

~~Motel shall mean a building or group of buildings with direct access to each unit from the outside, and with an on-site parking space for each unit, which provides sleeping accommodations primarily for transients traveling by motor vehicle, with or without meals and/or cooking facilities for individual occupants.~~

~~Mixed-use means a combination of different permitted uses within a single building or lot.~~

~~5. That the Ordinances of the City of Keene, Section 102-2. Definitions, are amended by **adding** the following definitions:~~

~~**Bar—means any establishment devoted primarily to the selling, serving and drinking of alcoholic beverages.**~~

~~**Bed and Breakfast Inn/Tourist Home – An owner or operator-occupied single-family detached dwelling unit which contains no more than one kitchen and five (5) or fewer guest rooms intended or designed to be used, or which are used, rented or hired out to be occupied or which are occupied for sleeping purposes by guests, other than temporary personal guests of the family in the dwelling unit, for compensation with or without meals.**~~

~~**Commercial Parking Lots—Premises designed and used exclusively for the parking of motor vehicles for a fee. Or a parking lot for a building to be approved by the Planning Board.**~~

~~**Exterior Storage—Includes the outdoor storage of goods that generally have little or no differentiation by type. The goods may be for sale or lease, but if so, they are the types that customers generally do not inspect and compare. Exterior storage includes the storage of**~~

~~raw or finished goods (packed or bulk), including gases, oil, chemicals, gravel, building materials, packing materials; salvage goods; machinery, tools, and equipment; and other similar items. Examples are lumberyards, tool and equipment rental, bark chip and gravel sales, and storage of goods used in manufacturing. Damaged or inoperable motor vehicles or motor vehicles that have missing parts that are kept outside are included as exterior storage. The storage of motor vehicles that do not have any missing parts or damage that is visible from the outside of the vehicle is considered parking rather than exterior storage. The storage of motor vehicles that have minor dents or other minor defects in the body is also considered parking rather than storage if the motor vehicle is in working order. See also Exterior Display.~~

Exterior Display – Is an outdoor showroom for customers to examine and compare products and includes the outdoor display of products, vehicles, equipment and machinery for sale or lease. The display area does not have to be visible to the street. Examples of uses that often have exterior display are motor vehicles and boat sales, and plant nurseries. Outdoor display of vehicles is separate from required parking spaces under the zoning ordinance. This does not include goods that are being stored or parked outside. It does not include damaged motor vehicles, vehicles or equipment being serviced, and other similar products. **See also Exterior Storage.**

Impervious Surfaces – Those surfaces and development features on a lot which are non-porous and which substantially prevent rain or storm water from absorbing or percolating into the ground beneath them. Impervious surfaces include, but are not limited to: roof areas, structures, patios, sidewalks, driveways, parking areas, swimming pools and other development features surfaced with non-porous materials.

~~**Mixed-Use Development**—A development on one zoning lot that combines uses with commercial and/or office uses, consisting of one or more buildings.~~

Neighborhood Grocery Store – Establishments primarily engaged in the provision of frequently or recurrently needed food for household consumption, such as prepared food, beverages, limited household supplies and hardware, less than or equal to ~~1,500~~ 3,500 square feet.

Porous Surface – A surface that presents an opportunity for precipitation to infiltrate (soak) into the ground.