



PLANNING, LICENSES AND DEVELOPMENT COMMITTEE
Council Chambers A, Keene City Hall
July 13, 2022
6:00 PM

A. AGENDA ITEMS

1. Keene Elm City Rotary Club - Use of City Property - Clarence DeMar Marathon
2. Relating to Amendments to the Land Development Code Ordinance O-2022-04

B. MORE TIME ITEMS

1. Terry Clark - Relating to Small Wireless Facility Deployments in Public Rights-of-Way

NON PUBLIC SESSION

ADJOURNMENT



CITY OF KEENE

Twenty-Two

In the Year of Our Lord Two Thousand and

Relating to Amendments to the Land Development Code

AN ORDINANCE

Be it ordained by the City Council of the City of Keene, as follows:

That Chapter 100 of the Code of Ordinances of the City of Keene, New Hampshire, as amended, is hereby further amended as follows.

1. That "Dwelling, Multi-family" be added as a permitted principal use with limitations to the Commerce District.
2. Update Table 8-1 "Permitted Principal Uses by Zoning District" in Article 8 and Section 5.1.5 "Permitted Uses" in Article 5 to display "Dwelling, Multi-family" as a permitted use with limitations in the Commerce District under the category of Residential Uses.
3. That Section 8.3.1.C "Dwelling, Multi-family," use standard "b" in Article 8 be amended as follows:

"b. In the Downtown Core District, ~~Downtown Growth District, and Commerce District,~~ a minimum of 4 or more dwelling units is required if the units are not ~~shall be~~ located above the ground floor."

4. That Section 5.1.4 "Height" of Article 5 be amended as follows:

Max Stories Above Grade ^{*a,b}	2
*With Special Exception <u>*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 story.</u>	3-5 <u>3</u>
b <u>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 3rd story.</u>	4 <u>4</u>
Max Building Height ^{*a,b}	35 ft
*With Special Exception <u>*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 story.</u>	50 <u>42</u> ft
b <u>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 3rd story.</u>	56 <u>ft</u>

In City Council April 21, 2022.

Referred to the Joint Planning Board and

Planning, Licenses and Development Committee. _____

PASSED

City Clerk

George S. Hansel, Mayor

MEMORANDUM

To: Joint Committee of the Planning Board and PLD Committee
From: Mari Brunner, Senior Planner
Date: May 2, 2022
Subject: O-2022-04 Relating to Proposed Amendments to the City of Keene Land Development Code (Chapter 100 of City Code)

Overview

This Ordinance proposes to amend several provisions of the City of Keene Land Development Code in order to create opportunity for housing development in commercial and downtown areas of the City that is consistent with the prevailing scale and built form of the surrounding area. The proposed changes include adding “Dwelling, Multi-family” as a permitted principal use with limitations to the Commerce District; amending the height requirements in the Commerce District to allow for additional stories or height – up to four stories or 56 ft. – provided that additional building setback or building height stepback requirements are met; and, amending the use standards for “Dwelling Unit, Multi-family” in Section 8.3.1.C of Article 8 to require multi-family dwelling units in the Downtown Core, Downtown Growth, and Commerce Districts to be located above the ground floor.

Review of Commerce District

The Commerce District encompasses 220 parcels of land that are predominantly located in areas to the west and south of the downtown along major corridors (see Figure 1). The intent of this district is *“to provide an area for intense commercial development that is accessed predominantly by vehicles. Shopping plazas and multiple businesses in one building would be typical in this district. All uses in this district shall have city water and sewer service.”*

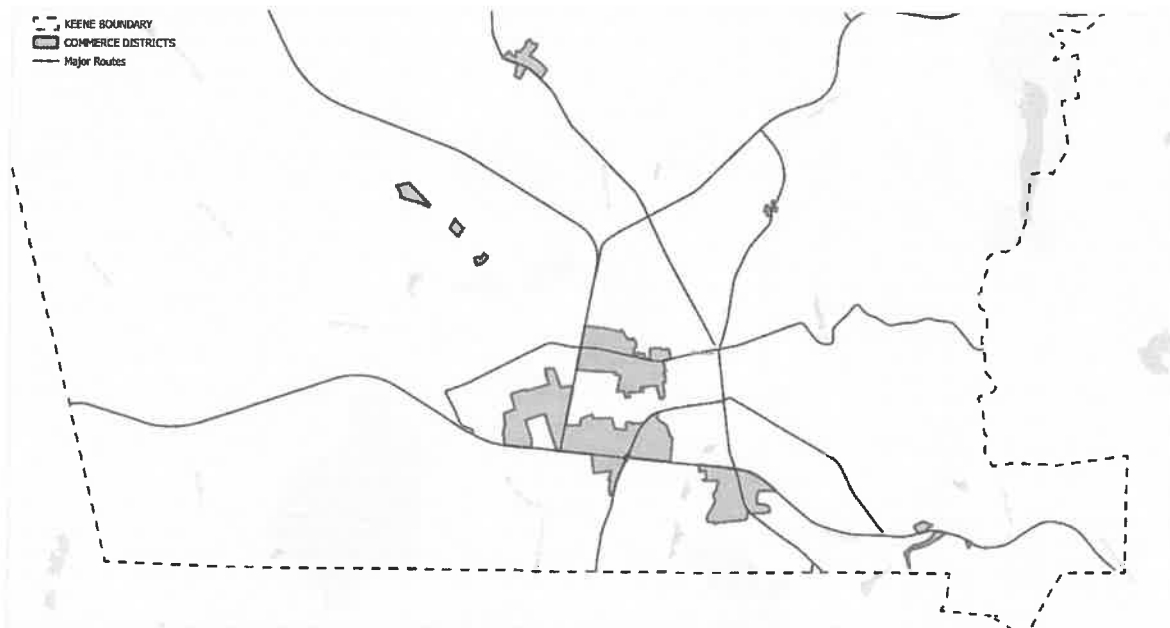


Figure 1. A map displaying the areas of Keene that are zoned Commerce (pink areas).

An overview of the uses that are permitted by the Zoning Regulations to occur in this District are displayed on Table 1 on the next page. This district allows for multiple principal uses to occur on one lot as long as each use is allowed in the district. Although no residential uses are currently allowed, there are a number of properties in the Commerce District where multi-family or mixed-use commercial and residential uses are occurring. Examples include, but may not be limited, to the following:

- 27 Ivy Drive, Multi-family
- 191-195 Key Road, Multi-family
- 82 Meadow Road, Multi-family
- 210-222 West Street, Multi-family*
- 29-37 Ashuelot St, Mixed use commercial/residential
- 314 Park Ave, Multi-family
- 301-305 Park Ave, Mixed use commercial/residential
- 295 Park Ave, Mixed use commercial/residential
- 829-837 Court St, Mixed-use
- 642 Marlboro Rd, Mixed use commercial/residential
- 657 Marlboro Road, Multi-family

**This property received a variance in 2018 to allow multi-family residential units up to 90 units*

Dimensional Requirements in this District appear to promote a medium- to high-intensity of development density. Building heights are maxed at 2 stories / 35 ft by right or 3.5 stories / 50 ft with a Special Exception. The maximum impervious coverage is 80%, and the minimum lot size is 15,000 sf. Setbacks are 20 feet; however, the rear setback is increased to 50 feet if the property abuts a residential district (see Figure 2).

Staff are proposing to add “Dwelling, Multi-family” as a permitted use to this district, with the limitation that all dwelling units must be located above the ground floor (i.e. on the second floor or above). The purpose of this limitation is to preserve opportunities for commercial development within this district while still allowing residential development to occur in a mixed-use setting.

In addition, staff propose to remove the requirement to obtain a Special Exception in order to increase the number of stories or height that would be allowed, and instead allow additional stories or height by right, provided that additional building setback or height setback* requirements are met, as shown in Table 2. This proposed change would eliminate the need for an applicant to go to the ZBA for a Special Exception while mitigating the visual impact of the additional stories / height through increased setbacks or height setbacks.

**A Stepback is the required additional distance that upper stories of a structure must be recessed from the façade of the stories below. A required stepback must continue through all upper stories once established, though it may be increased from any required minimums on any stories.*

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
Min rear setback if abutting residential district	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*	2
*With Special Exception	3.5
Max Building Height*	35 ft
*With Special Exception	50 ft

Figure 2. Commerce District Dimensional Requirements.

Table 1. Permitted Uses

COMMERCIAL USES			CONGREGATE LIVING / SOCIAL SERVICES USES		
		SECTION			SECTION
Animal Care Facility	P	8.3.2.B	Domestic Violence Shelter	P ¹	8.3.4.A
Art Gallery	P	8.3.2.C	Drug Treatment Clinic	CUP	8.3.4.B
Art or Fitness Studio	P	8.3.2.D	Food Pantry	P	8.3.4.D
Banking or Lending Institution	P	8.3.2.E	Group Resource Center	CUP	8.3.4.G
Bar	P	8.3.2.F	Homeless Shelter	CUP	8.3.4.H
Car Wash	P	8.3.2.H	Lodginghouse	CUP	8.3.4.I
Clinic	P	8.3.2.I	Residential Care Facility	CUP	8.3.4.J
Event Venue	P	8.3.2.J	Residential Drug/Alcohol Treatment Facility	CUP	8.3.4.K
Funeral Home	P	8.3.2.K			
Greenhouse / Nursery	P	8.3.2.L	INDUSTRIAL USES		
Health Center / Gym	P	8.3.2.M	Artisanal Production	P ¹	8.3.5.A
Hotel/Motel	P	8.3.2.O	Data Center	P	8.3.5.C
Micro-Brewery/Micro-Distillery/ Micro-Winery	P	8.3.2.Q-S	Industrial, Light	SE	8.3.5.E
Motor Vehicle Dealership	P	8.3.2.T	Outdoor Storage Yard	P	8.3.5.F
Neighborhood Grocery Store	P	8.3.2.U	OPEN SPACE USES		
Office	P	8.3.2.V	Conservation Area	P	8.3.6.C
Personal Service Establishment	P	8.3.2.W	INFRASTRUCTURE USES		
Private Club / Lodge	P	8.3.2.X	Solar Energy System (Small-Scale)	P ¹	8.3.7.A
Recreation/Entertainment Facility - Indoor	P	8.3.2.Y	Solar Energy System (Medium-Scale)	CUP	8.3.7.B
Recreation/Entertainment Facility - Outdoor	P	8.3.2.Z	Telecommunications Facilities	P ¹	8.3.7.E
Research and Development	P	8.3.2.AA	TRANSPORTATION USES		
Restaurant	P	8.3.2.AB	Parking Lot (Principal Use)	P ¹	8.3.8.A
Retail Establishment, Heavy	P	8.3.2.AC	Parking - Structured Facility (Principal Use)	P ¹	8.3.8.B
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			
Private School	P ¹	8.3.3.F			
Senior Center	P ¹	8.3.3.G			

P = Permitted
P¹ = Permitted with limitations per Article 8.
SE = Permitted by Special Exception
CUP = Permitted by Conditional Use Permit

Table 2. *Proposed* Height Requirements for the Commerce District

Max Stories Above Grade	2
^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 story.	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 3 rd story.	4
Max Building Height	35 ft
^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 story.	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 3 rd story.	56 ft

Review of Downtown Core (DT-C) and Downtown Growth (DT-G) Districts

The DT-C District is the heart of downtown Keene, accommodating the highest intensity of development. This district is intended to accommodate a rich mix of commercial, residential, civic, cultural, and open space uses in a highly walkable, vertically and horizontally mixed-use environment. There are many examples of downtown buildings that have retail, restaurant, office, or other commercial uses on the ground floor with either offices or residential apartments on the upper stories.

The DT-G District is located on lower Main Street and to the east and west of the DT-C District along the former railroad, as shown in Figure 3 on the next page. This district accommodates the reuse of existing structures within downtown Keene as well as new construction of significant size. It is intended to provide the flexibility needed to create a mixed use environment suitable for commercial, residential, civic, cultural, and open space uses in areas of downtown where growth is desired, with standards for new construction and infill that complement the walkable, urban form of Keene's downtown.

A major component of both of these downtown districts is the emphasis on pedestrian-scale development, an active streetscape, and walkability. Currently, multi-family residential uses are allowed in both of these districts by right; however, in the Downtown Core District, all dwelling units must be located above the ground floor if there are fewer than four units in one structure. Staff are proposing to change this so that multi-family residential development in the downtown can only occur by right on the upper stories of a building. The intent of this change is to promote ground-level uses that are appropriate for downtown areas with a high level of pedestrian traffic.

Dimensional requirements in these districts promote high-intensity mixed-use development. There is no minimum lot area, setbacks are on or very close to the property line, and building height is maxed at 85 ft or 7 stories. In addition, there are building activation requirements, including minimum ground floor height, maximum blank wall area, maximum building entry spacing, minimum ground floor transparency, etc. (see DT-C and DT-G dimensional requirements, attached to this staff report). These standards are intended to ensure new development in the downtown is consistent with the historic development pattern.



Downtown Keene Zoning Map

(updated 4/29/22)

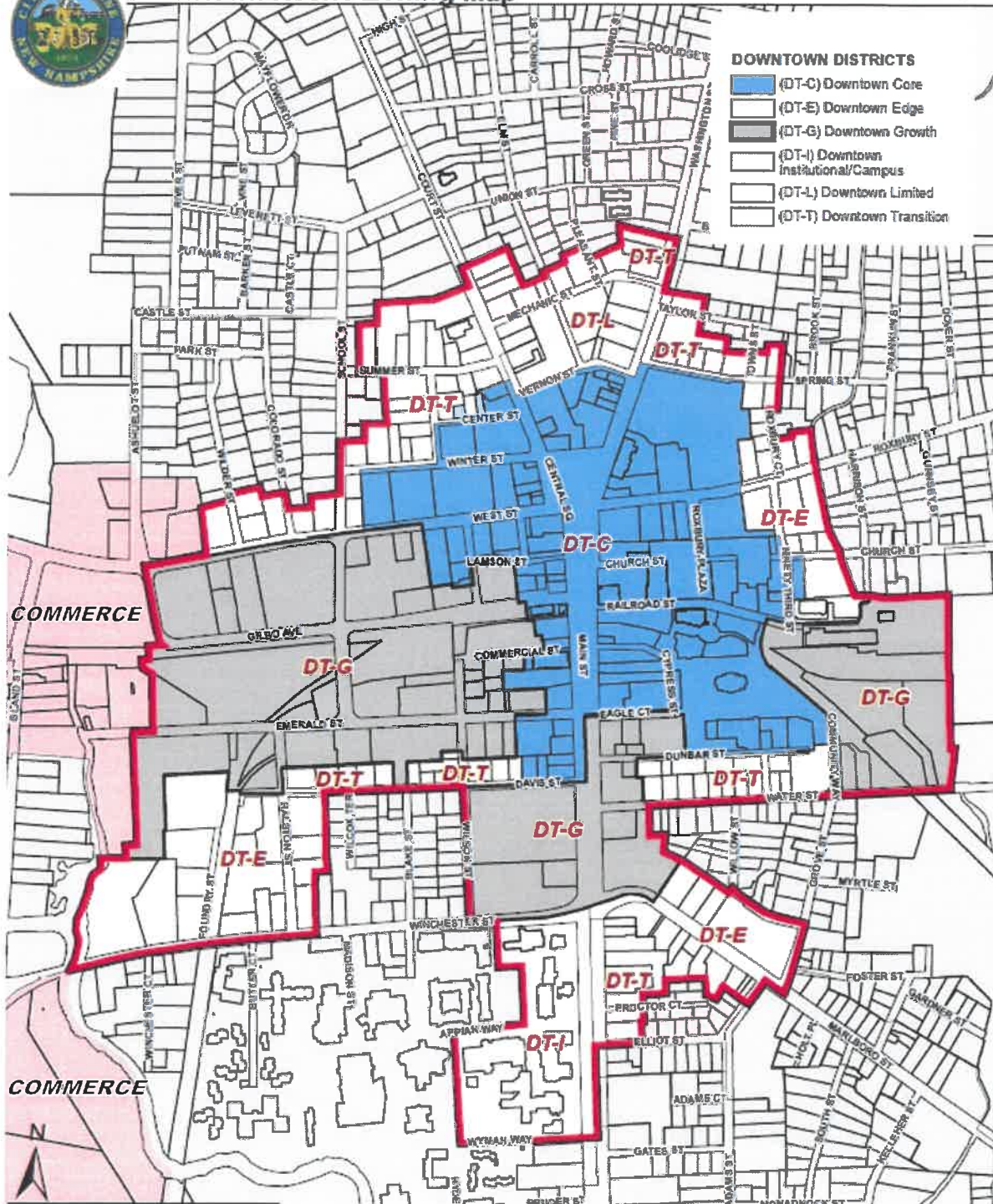


Figure 3. Map of downtown zoning districts, with the DT-C District shaded in blue, the DT-G District shaded in dark gray, and adjacent parcels in the Commerce District shaded in pink.

Master Plan Consistency

Community Vision

The vision focus area that is most relevant to this proposal is “A Quality Built Environment.” This focus area states:

“The built environment addresses the physical and structural parts of our city, including what our city looks like, where we live, how we get around, and how we live. For our future, achieving a quality built environment means:

Providing Quality Housing • Sustaining a Vibrant Downtown • Maintaining Neighborhoods • Preserving and Celebrating Architectural History • Balancing Growth and the Provision of Infrastructure • A Complete Transportation System • Fostering Renewable Energy and Efficient Use of Resources”

The proposal to allow multi-family dwellings in the Commerce District would provide further opportunity for housing development in areas of Keene where the infrastructure for water, sewer, and vehicular traffic is well-developed and could most likely accommodate new demand. The proposal to allow multi-family dwellings above the ground floor in the Downtown Core and Downtown Growth Districts is intended to help sustain a vibrant downtown by preserving the opportunity for more active uses to occur on the ground floor while allowing residential uses on the upper stories.

Downtown

The Comprehensive Master Plan includes an entire chapter dedicated to Keene’s downtown, recognizing that it is the heart of the region and central to Keene’s overall identity. The downtown strategy most relevant to this proposal is *Downtown Vibrancy*, which states “As downtown businesses come and go, it is important that the community encourage an array of businesses that provide basic needs for the community and facilitate pedestrian activity, along with a variety of residential uses. The placement of those uses on first, second or higher floors within a building are also important to maintaining vibrancy. Retail and services businesses should continue to be placed on the first floor, with office and residential on the upper floors, in order to maintain walkability and support downtown as a destination.” Staff propose to continue to allow multi-family residential uses in the downtown, provided that the units are located above the ground story, consistent with the underlined statement above.

Housing

The Housing chapter of the Master Plan states “Since most of the community’s available residentially zoned land has been developed, housing needs have to be addressed through infill development and the rehabilitation and redevelopment of existing stock.” It further states “Since the community is not expected to grow substantially in population and its housing needs will remain similar to current levels, creative housing solutions, if done well, can contribute greatly to keeping the small-town feel of Keene, while providing more housing choice and allowing people to live, work and play in the same community.”

The proposal to allow multi-family residential development in the Commerce District is intended to create opportunity for mixed-use residential development outside of the residentially zoned areas, which has mostly been developed. It would also encourage infill development, since all of the Commerce District land is located in areas of the City that have already been developed and have ready access to City sewer, water, and transportation infrastructure.

CITY OF KEENE
NEW HAMPSHIRE

O-2022-04 Relating to Amendments to the City of Keene Land Development Code

The attached materials include the full text of Ordinance O-2022-04 relating to proposed amendments to the City of Keene Land Development Code, as well as excerpted sections of the adopted City of Keene Land Development Code that are proposed to be amended with Ordinance O-2022-04. Text that is highlighted in yellow and bolded is proposed to be added; and, text that is highlighted in yellow, bolded, and stricken through is proposed to be deleted.

The proposed changes include adding “Dwelling, Multi-family” as a permitted principal use with limitations to the Commerce District; amending the height requirements in the Commerce District to allow for additional stories or height – up to four stories or 56 ft. – provided that additional building setback or building height stepback requirements are met; and, amending the use standards for “Dwelling Unit, Multi-family” in Section 8.3.1.C of Article 8 to require multi-family dwelling units in the Downtown Core, Downtown Growth, and Commerce Districts to be located above the ground floor. The intent of these proposed changes is to provide opportunity for housing development in commercial and downtown areas of the City that fits with the prevailing scale and built form of the surrounding area.