



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

### **AGENDA**

Monday, March 11, 2024

6:30 PM

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

1. **Roll Call**

2. **Approval of Meeting Minutes** – January 8, 2024

3. **Public Workshops**

a. **Ordinance – O-2023-16A** – Relating to permitted uses in the Downtown Core, Downtown Growth, and Commerce Districts. Petitioner, City of Keene Community Development Department, proposes to amend Section 8.3.2 of Article 8 of the Land Development Code (LDC) to add a definition for “Charitable Gaming Facility” and amend Table 8-1, Table 4-1, and Table 5.1.5 to display “Charitable Gaming Facility” as a permitted use in the Downtown Growth District and Commerce District. In addition, the petitioner proposes to amend Section 8.4.2.C.2.a of Article 8 of the LDC to remove drive-through uses as a permitted use by Special Exception in the Downtown Core District.

b. **Ordinance - O-2024-01** – Relating to amendments to the City of Keene Land Development Code – Zoning Regulations – Cottage Court Overlay District Conditional Use Permit. Petitioner, City of Keene Community Development Department, proposes to amend sections of Chapter 100, the Land Development Code (LDC), of the City Code of Ordinances to add a new Article 17 “Cottage Court Overlay District Conditional Use Permit”; Amend Article 3 to allow “Dwelling, Two-Family,” “Neighborhood Grocery Store,” “Office,” “Restaurant,” “Retail Establishment, Light,” “Day Care Center,” and “Community Garden” as allowed uses with a Cottage Court Overlay (CCO) conditional use permit in all residential districts in Article 3, and that Tables 3.1.5, 3.2.5, 3.3.5, 3.4.5, 3.5.5, 3.6.5, 3.7.5, and 8-1 be updated to reflect this change; Amend Article 3 to allow “Dwelling, Two-Family” and “Dwelling, Above Ground Floor” as allowed uses with a CCO conditional use permit in the Rural, Residential Preservation, Low Density 1, and Low Density districts, and that Tables 3.1.5, 3.2.5, 3.3.5, 3.4.5, and 8-1 be updated to reflect this change; Amend Article 3 to allow “Dwelling, Multi-Family” as an allowed use with a CCO conditional use permit in the Low Density 1 and Low Density districts, and that Tables 3.3.5, 3.4.5, and 8-1 be updated to reflect this change; Amend Articles 17 through 28 of the Land Development Code, and all subsections and references thereto, to reflect the addition of a new Article 17.

4. **New Business**

5. **Next Meeting** – Monday, April 8, 2024

6. **Adjourn**

1 City of Keene  
2 New Hampshire

3  
4  
5 JOINT PLANNING BOARD/  
6 PLANNING, LICENSES AND DEVELOPMENT COMMITTEE  
7 MEETING MINUTES  
8

Monday, January 8, 2023

6:30 PM

Council Chambers, City Hall

Planning Board

Members Present:

Mayor Jay Kahn  
Councilor Michael Remy  
Roberta Mastrogiovanni  
Armando Rangel  
Ryan Clancy  
Kenneth Kost  
Randyn Markelon, Alternate  
Hardold Farrington, Chair

Planning Board

Members Not Present:

Gail Somers, Alternate  
Tammy Adams, Alternate

Planning, Licenses &

Development Committee

Members Present:

Kate M. Bosley, Chair  
Ed Haas  
Philip M. Jones  
Raleigh C. Ormerod

Planning, Licenses &

Development Committee

Members Not Present:

Robert Williams

Staff Present:

Jesse Rounds, Community  
Development Director  
Mari Brunner, Senior Planner

9  
10 I) Roll Call

11  
12 Chair Bosley called the meeting to order at 6:30 PM and a roll call was taken.

13  
14 II) Approval of Meeting Minutes – November 13, 2023

15  
16 A motion was made by Councilor Jones that the Joint Committee approve the November 13, 2023  
17 meeting minutes. The motion was approved by Councilor Ormerod and was unanimously  
18 approved.  
19

20 III) Presentation: Cottage Court Overlay Project

21  
22 The City's consultant, Bill Eubanks of SGA NW, was present to provide an overview of the  
23 project, discuss outreach efforts, and present preliminary recommendations. Mr. Eubanks began  
24 his presentation by explaining that the Cottage Court Overlay is a working title and other titles are  
25 always welcome. The purpose of this project is to address housing needs in the community in areas  
26 where there is already existing infrastructure. It also places an emphasis on senior housing and  
27 workforce housing, which is a huge need in most communities. Mr. Eubanks stated the agreement

28 is that the best way to do this is by creating an overlay district utilizing a Conditional Use Permit  
29 approval process.

30  
31 Mr. Eubanks explained that the Housing Needs Assessment that was recently completed in the  
32 City laid out facts about housing needs in the community. He explained that one of the conclusions  
33 of the report is that households are increasing in number, but declining in size. Keene's population  
34 has decreased by 2%, but the number of households has increased by 3% and there is a certain  
35 kind of housing to address this trend. He added that 40% of the population lives alone, which  
36 seems like a large number. Keene also has a displaced workforce – only 5,200 of the 17,500  
37 workers live in Keene, whereas the rest commute into Keene, which is not very sustainable.  
38 Approximately 34% of Keene's population is cost-burdened (rent and ownership), as they spend  
39 over a third of their income on household costs. This number increases to 39% for seniors. For  
40 rentals, 43% seniors are cost-burdened. The assessment also indicated that Keene needs at least  
41 1,400 new housing units within the next ten years and noted that he felt the proposal before the  
42 committee could ease some of this need.

43  
44 Mr. Eubanks went on to say that Keene allows for Accessory Dwelling Units (ADUs), which he  
45 felt was a great option that most communities are not permitting. Keene also has Conservation  
46 Residential Development (CRD) Subdivision process, which is mostly for larger parcels compared  
47 to what would be required for the Cottage Court Overlay District; however, CRDs are also a great  
48 option. Keene has also made some other changes to its land use regulations, such as increasing the  
49 permitted building height to seven stories by right in the downtown; creating form-based zoning;  
50 permitting multifamily housing in commercial zoning districts (above the ground floor); changing  
51 parking requirements, including creating the possibility of an administrative reduction of the  
52 number of required parking spaces by up to 10% and further reduction up to 50% by Special  
53 Exception along with increasing the distance allowed for remote parking.

54  
55 Mr. Eubanks stated he came to Keene in November, conducted lengthy meetings with staff, and  
56 also attended public hearings. He stated that what came out of the public hearing is that the public  
57 preferred traditional architecture and they are not afraid of density. He added that the public was  
58 given the option of building their own site plans.

59  
60 Mr. Eubanks then talked about the utility requirements for these types of developments, which  
61 could only occur where there is access to City water and sewer.

62  
63 Parcel Size – There is no minimum or maximum parcel size.

64  
65 Dwelling unit size – There is no minimum dwelling unit size, but a maximum 1,200 square feet  
66 per dwelling unit is being proposed.

67  
68 Chair Bosley clarified that the Low Density 1 District (LD-1) does not have the requirement to  
69 have access to water and sewer. Mari Brunner, Senior Planner, stated that LD-1 has different  
70 dimensional requirements depending upon if whether the parcel has access to sewer or not. She  
71 added that parcels in the Rural and LD-1 Districts can be developed without access to water or  
72 sewer. Mayor Kahn added that he knows of a three-acre lot in Concord, MA consisting of  
73 approximately nine units that don't have public water and sewer. He felt this option works and

74 asked whether this has been tried and has not worked for any development Mr. Eubanks has been  
75 involved with. Mr. Eubanks stated the issue is locating septic for multiple units on very small lots.  
76 He stated the lot the Mayor referred to must have very good percolation rates and added he has not  
77 worked on any development on a small lot with multiple units where it was necessary to locate  
78 septic.

79  
80 Economic Development Director, Med Kopczynski, added that the other limiting factor could be  
81 sprinkler systems. If there is a five-unit building, a sprinkler system would be required and access  
82 to water would be necessary to feed that system. This would be difficult to configure with a well.  
83 Chair Bosley added that if they are detached units, then the issue with having sprinkler system  
84 would not exist. The Mayor explained how the septic issue was addressed in the example he  
85 provided and felt this requirement could be a limiting condition. Chair Bosley stated her initial  
86 reaction to this type of overlay is that it is an opportunity to put density on smaller lots. When you  
87 get into the rural area, there is the option to perform a CRD subdivision and the residents in the  
88 Rural District are not looking for high density development in that area. Hence, she felt that if  
89 there was water and sewer available to a parcel in the Rural District, someone could apply for a  
90 zoning change for that lot.

91  
92 Councilor Jones noted Mr. Kopczynski made a good point about the sprinkler system and asked if  
93 something like an un-mechanized pressure of 85 psi would work. Mr. Kopczynski stated the  
94 question would be whether the system would have enough pressure to operate a sprinkler system;  
95 it could be challenging as well as costly, but he added that there is nothing prohibiting such an  
96 installation.

97  
98 Mr. Eubanks went on with his presentation and addressed density next. He indicated with this  
99 proposal there are no minimum or maximum density requirements. The goal is to create more  
100 housing. Density will be determined by the shape and size of the parcel, building height, underlying  
101 zoning, parking requirements, and the need for open space.

102  
103 He indicated they are looking at two development scenarios. The first is that a parcel could be  
104 developed under a common regime with a property management entity with all units on one lot  
105 and parking provided on that lot.

106  
107 The other scenario is that it parcel could be subdivided with all of the units on individual lots. In  
108 this scenario, there would be the requirement for frontage along a public right-of-way, so this type  
109 of development scenario could be limiting. If a parcel is subdivided, then each lot would be  
110 required to have 26 feet of frontage along a public right-of-way. If there is open space as part of  
111 the project, stormwater calculations would need to be considered.

112  
113 Under the common regime development scenario, there is no frontage requirement.

114  
115 Mr. Eubanks next talked about the building types that will be allowed (based on the zoning  
116 district):

- 117  
118 1. Single-Family detached homes built on a foundation will be allowed in the Rural, Low  
119 Density, Low Density 1, Medium Density, High Density and High Density 1 Districts.

120  
121 2. Single-Family attached homes (including duplexes, triplexes, and townhomes) will be  
122 allowed in the Medium Density, High Density and High Density 1 Districts.

123  
124 3. Multi-Family dwellings will be allowed in the High Density and High Density 1 Districts.

125  
126 Attached or detached carports and garages are allowed in any district and dwelling units will be  
127 allowed above those structures.

128  
129 Mr. Eubanks stated there is also a suggestion to permit non-residential uses as part of this project,  
130 including corner stores, coffee shops, etc. A non-residential use must be located on a corner, must  
131 be a maximum of 1,000 square feet in size, and uses will be limited to food and beverage services  
132 with residential units located above the non-residential use on the first floor.

133  
134 Parking – One space per unit minimum, maximum of one space per bedroom – it would be up to  
135 the developer to make that decision. If the units are for seniors or are workforce units, the parking  
136 requirement drops to 0.75 spaces per unit.

137  
138 Mr. Eubanks provided this example: for a 12-unit project with a 50/50 split between one- and two-  
139 bedroom units, the minimum number of required parking spaces would be 12 and the maximum  
140 would be 18. For senior or workforce units, the minimum number of required parking spaces would  
141 be 9 and maximum would still be 18.

142  
143 He went on to explain that parking can be provided on or off site. Offsite parking can be within  
144 500 feet of the units or parking above the minimum requirements can be up to 1,000 feet from the  
145 units.

146  
147 In reference to offsite parking, Chair Bosley asked whether any loading areas were considered. Mr.  
148 Eubanks stated this option has been discussed. The Chair referred to the residential units located  
149 downtown and some of the struggles those residents have with offsite parking, including  
150 transporting groceries, laundry, moving, etc. Mr. Kost asked whether any consideration was given  
151 to on-street parking. Mr. Eubanks stated this idea was discussed. The downside to on-street parking  
152 is that it can be used by anyone. Ms. Brunner added that another element to on-street parking,  
153 specifically in Keene, is that during the winter there is a parking ban from November through May  
154 where no overnight parking is allowed on streets. In order for on-street parking to work, the City  
155 would have to look at an on-street parking program where there is permitted parking allowed  
156 overnight, year-round. She indicated that this is being explored as part of another project.

157  
158 Councilor Haas asked whether the parking area could count as pervious coverage (since there is a  
159 maximum impervious coverage). Mr. Eubanks stated pervious parking in an area that deals with  
160 snow has many challenges. Pervious area also has maintenance challenges. Ms. Brunner added  
161 that if someone came with an engineered pervious system, the City would take that into account;  
162 however, there are challenges in regards to maintenance, as was mentioned.

163 Councilor Ormerod asked for clarification on the requirement for one space per unit. If someone  
164 purchases a one-bedroom home and they get married, then their spouse may also have a car. Mr.  
165 Eubanks stated he looks at this as a self-healing issue. This might be an instance when someone

166 would have to rethink their living situation and perhaps move to a larger home. He added that the  
167 developer would address their target audience and make that decision as the developer. Councilor  
168 Ormerod stated his experience with realtors is that they do not always present the whole picture  
169 and felt the City needs to make sure those parking requirements are known to the buyer.  
170

171 Mr. Eubanks then moved on to Building Height – At the present time in Keene, a 2-story or 35-  
172 foot maximum building height is permitted in the Rural, Low Density, Low Density 1, Medium  
173 Density Districts. The proposal is to change that to 2.5 stories or a 35 foot maximum. The usable  
174 portion is being increased, but not the height. In High Density and High Density 1, it would be a  
175 3-story maximum with a 50 foot max height.  
176

177 Mayor Kahn asked how this would affect the occupancy square footage of the building. Mr.  
178 Eubanks stated this would depend on the size of the building. For example, with a 400 square foot  
179 footprint, 2 stories would give you ~800 square feet of space. Finishing the attic space and putting  
180 in some dormers would probably give you another 250 square feet, which could be used for a  
181 couple of bedrooms or a bonus room.  
182

183 Mr. Kost asked whether the rendering with large garages could be left out. Chair Bosley stated that  
184 what was presented is more like a project that would occur in the Low Density District. She went  
185 on to mention condo associations and referred to condos located on Arch Street and Base Hill  
186 Road. The Chair noted that the current zoning does not have allowances for condo projects. The  
187 manner in which condominiums have been developed in the City of Keene was under a method  
188 called Planned Urban Developments (PUDs) and at some point, the City discontinued that style of  
189 development. There have not been any condo projects recently because there is no mechanism in  
190 our zoning to allow for it. In the Low Density Zone, you might see something that resembles what  
191 exists on Arch Street or Base Hill Road.  
192

193 Mr. Eubanks noted that if parking is located under a structure and is not in a flood zone, it is  
194 considered a floor. In a flood zone, the building height is measured from the finished flood  
195 elevation plus one foot, whichever is less.  
196

197 Drainage and Stormwater Management – Stormwater impacts and the strategies to address it are  
198 applied to the larger project and not individual lots.  
199

200 For screening, the proposal is to have a minimum of a five foot landscape buffer if the density is  
201 more intense than the adjacent building type. Mr. Eubanks stated that he is not a fan of landscape  
202 buffers. He felt that they are a waste of space and at times could perpetuate sprawl. On a small  
203 parcel where you are trying to get as many lots as possible, a fence to screen between neighbors  
204 instead of landscaping would be better option.  
205

206 Architectural Guidelines – Projects that utilize this overlay should endeavor to fit in or be  
207 respectful of the context of the surrounding neighborhood. Mr. Eubanks stated his question is who  
208 would review architectural guidelines for the City. He went over a list of easy to approve and more  
209 difficult to approve items that he has used previously in Charleston, South Carolina. He asked the  
210 committee how they feel about design guidelines. Chair Bosley in response stated what stands out

211 for is the mullions. She asked the committee whether design guidelines are something that should  
212 be included in the ordinance or whether it should be left up to the discretion of the developer.

213  
214 Mr. Clancy stated he felt it was worth exploring because there have been projects in the recent  
215 years; he used the Roxbury Street project as an example, where the façade does not fit the  
216 neighborhood. To preserve the character of Keene, it would be worth exploring so that the charm  
217 of Downtown could be preserved. Councilor Jones asked if this is something the Planning Board  
218 would review. Chair Bosley noted that the Roxbury Street project moved forward with some  
219 negative implications and asked whether more restrictive guidelines should be created for this  
220 particular type of overlay. Councilor Jones stated that he is more about being open to choice. If  
221 the Planning Board feels that a proposal fits, then it should be left to their discretion. Chair Bosley  
222 asked for staff's opinion.

223  
224 Ms. Brunner stated the Planning Board does have architectural and visual appearance standards as  
225 part of their Site Development Standards. In the specific example that Mr. Clancy raised, because  
226 that property was located in the Historic District, the Historic District Commission (HDC) is  
227 actually the one that reviewed the visual appearance. That project was exempt from architectural  
228 and visual review by the Planning Board and the HDC's regulations for new construction were  
229 vague and broad at the time, which did not really give them a lot of tools to work with in terms of  
230 reviewing the visual appearance of the building. That has since changed and today, a brand new  
231 building like the one on Roxbury Street would have to follow the City's Form-Based Code. It  
232 would also have to go through the Planning Board's site plan review process and they would be  
233 subject to the Architectural & Visual Appearance Site Development Standard.

234  
235 She added that architectural and visual appearance is something staff and the Board have struggled  
236 with in the past because it is hard to come up with standards that will fit every situation. When  
237 architectural and visual appearance standards are made more specific, applicants feel the City is  
238 dictating their architectural style. When it is left too broad, the Board doesn't have much to fall  
239 back on, as they cannot impose their opinions on an application. Ms. Brunner felt it is always hard  
240 to strike that balance. In this instance because it is a specific type of development, the ordinance  
241 could include specific guidelines that could be helpful to developers.

242  
243 Mr. Eubanks felt this ordinance is not prescriptive and does give the Planning Board some  
244 discretion. Councilor Ormerod stated it first looked like it was a useful checklist for the zoning,  
245 but it was suggested that it be written into an ordinance and he wondered how that would be  
246 completed. He noted that when the CRD regulations were adopted, there were incentives that were  
247 offered and he felt that this item would probably have to follow that same path. Chair Bosley asked  
248 where this list would live - would it live inside the ordinance that is specific to this overlay or  
249 would an applicant go by the Planning Board standards?

250  
251 Mr. Eubanks stated that in most municipalities that have design guidelines that are reviewed by a  
252 Design Review Board or a Board of Architecture – a separate Board that deals with those issues.  
253 He noted that this responsibility doesn't typically fall to a Planning Board. Mr. Eubanks agreed  
254 that another layer of approvals for developers is not ideal and would definitely not be an incentive;  
255 however, it has worked well in many municipalities and he added that he would hate to saddle the  
256 Planning Board with making those kinds of design decisions. Chair Bosley stated they are already

257 assigned this task and creating another Board would not be an approach the City would tend to  
258 take. She added that it sounds like there is interest in this and creating guidelines specific to this  
259 overlay for the Planning Board to utilize could be a solution.

260  
261 Mr. Eubanks asked when a project comes before the Planning Board and they review the  
262 architectural aspect of the project, whether the Board has the authority to send them back to rework  
263 their design. Planning Board Chair Harold Farrington answered the affirmative. Mr. Eubanks  
264 stated that personally he likes this kind of list because it gives the City some enforcement without  
265 being prescriptive and it gives an applicant room to make good decisions.

266  
267 Chair Farrington asked staff whether the expectation is that all such projects will come before the  
268 Planning Board. Ms. Brunner answered in the affirmative and added the plan is for this type of  
269 project be approved through a Conditional Use Permit (CUP) process. This is actually a change to  
270 zoning, as it is an innovative land use technique that requires a CUP in New Hampshire. The way  
271 the City of Keene has handled CUPs in the past has been to send them to the Planning Board, so  
272 that a site plan and CUP review can be done concurrently and the project is only reviewed by one  
273 Board.

274  
275 Mr. Eubanks went on with his presentation and stated that one item that he did not address, is if  
276 there was ever a big enough project that needed to be subdivided and required a new internal street  
277 – what would this look like. What most would like to see are smaller narrower streets as part of a  
278 project like this. Hence, it would be up to that developer to go through a waiver process for street  
279 standards. Chair Bosley asked that if when this ordinance is written if this could be included as the  
280 expectation. She went on to say she can only think of a couple of lots that are large enough and  
281 urban enough to see that happen – one of them being the Kingsbury lot.

282  
283 Mr. Eubanks stated it would be out of the ordinary to encourage an applicant to go through a waiver  
284 process in an ordinance; however, he added that perhaps language could be included that says,  
285 “they could vary from street standards if waivers are granted”. Mr. Kopczynski added that the  
286 Kingsbury lot has a City street that runs down the middle of the property. He went on to say that  
287 he is glad the Committee is not going the down route of creating an Architecture Review Board,  
288 which can become a tedious task for the applicant to pursue. He stated that perhaps staff could  
289 review with the consultant the concept of the form-based elements, as the City has been discussing  
290 extending the form-based design concept beyond the downtown districts. He added that there are  
291 two projects in town that have pervious paving that work well; the parking lot at the CVS Plaza  
292 and the parking lot at the Food Co-op.

293  
294 Mr. Eubanks stated that the other item he did not discuss is setbacks. Internally there will be no  
295 setback requirements, applicants will just have to meet fire codes. However, any building that  
296 fronts an existing street has to match the setback of the adjacent structures.

297  
298 Mr. Kost felt using the Kingsbury property for a use like what is being discussed would be an  
299 under-utilization of that site. Mr. Eubanks stated there are no maximum density caps for this  
300 proposal. Chair Bosley added that regardless of the ordinances and the standards the City proposes,  
301 every developer has the right to develop a site in any manner they like and added she used that  
302 property as an example because that is one of the few sites in the urban area that could



303 accommodate a development like this. Ms. Brunner added the parcel being discussed is not in the  
304 residential district it is located in the Business Growth and Reuse District. This ordinance being  
305 proposed would only be an overlay in the residential district where City water and sewer is  
306 available. The parcel being discussed would be for higher density development. However, if the  
307 committee wanted this development to happen outside of the residential zoning districts, that could  
308 be a conversation that could be undertaken.

309  
310 Chair Farrington asked Mr. Eubanks whether this type of development is attractive for developers.  
311 Mr. Eubanks stated for years he always thought there was an un-met demand for smaller homes.  
312 He stated he has a client who has 11 single-family detached lots (on a three-acre) site that will  
313 have 16 micro-homes that will be 16' x 24' in size with a sleeping loft. They would sell for about  
314 \$200,000. Mr. Eubanks stated we are going to see a shift in development with more and more of  
315 this type of housing being proposed.

316  
317 Mr. Clancy asked in addition to the 0.75 parking spaces, what other incentives are available. Mr.  
318 Eubanks stated the incentive is that a developer can get more units on a piece of land than anywhere  
319 else in the City. Mr. Clancy stated he wanted to address what Mayor Kahn had raised earlier  
320 regarding limiting it to only areas where water and sewer are available. Mr. Clancy noted we are  
321 in a housing crisis and supply needs to be increased and felt opening it up to areas where water  
322 and sewer are not available is something that should be considered.

323  
324 Chair Bosley stated that after experiencing the process of changing the zoning in the Rural District  
325 very recently and reviewing a project that was proposing a zoning change in the Rural District and  
326 seeing the neighborhood's reaction to that, she felt that the City needs to tread really carefully. She  
327 asked whether there was a way of getting some sort of zoning waiver, if they could prove that their  
328 project was viable with the onsite septic and well access. Ms. Brunner stated there is always the  
329 option of getting a variance.

330  
331 She explained that this could be a separate process. For example, by getting a Special Exception  
332 from the Zoning Board of Adjustment, the site could be developed without City water and sewer.  
333 She stated that the City would want to think carefully about what those requirements are to  
334 demonstrate that they can provide adequate water and sewer. There is also a limit when a shared  
335 well automatically becomes a public well and this is something staff would need to do more  
336 research on. Staff's thought was that this type of development should be something that should be  
337 considered where public infrastructure is available and this is based on the discussion staff heard  
338 during the public hearing regarding that Rural District discussion.

339  
340 Mayor Kahn asked whether this is a progress report that is before the committee tonight. Chair  
341 Bosley stated this project was created in response to the Housing Needs Analysis and  
342 accompanying funds that were made available to the City through Invest NH. She indicated it does  
343 have a timeframe requirement and the Ordinance needs to be adopted by July in order to use the  
344 funds that the City has set aside for this. The plan is to have Mr. Eubanks come back and hopefully  
345 have a written ordinance for first reading by the City Council. It would probably go before the  
346 Joint Committee sometime in April and back to full Council for a vote during the May - June  
347 timeframe. Mr. Eubanks stated his understanding is that he will be back only when the item is  
348 before Council for a public hearing and the other meetings he would join virtually. Ms. Brunner

349 stated the plan is to submit something in February, schedule the workshop in March, and public  
350 hearing in April.

351  
352 The Mayor asked whether there are other communities considering this type of small home overlay  
353 ordinance in New Hampshire. Ms. Brunner stated there was a development in Dover that received  
354 a lot of publicity. It was a project proposed by a business owner who could not find housing for  
355 his employees. They worked with the City of Dover to amend their regulations to propose  
356 something very similar to this - a small-home development in a community setting.

357  
358 The Mayor asked with reference to the shared narrow street, if it would be more prudent to refer  
359 to it as a shared driveway. Mr. Eubanks stated it will be a shared driveway; however, if they are  
360 developed as a subdivision and have to front along a public right-of-way, there are requirements  
361 that need to be looked at, such as the setback requirements for the street, the requirement for  
362 sidewalks, etc. Chair Bosley agreed public streets at times don't make these projects work and the  
363 only way these projects work is with this overlay. Mr. Eubanks noted his prediction is that 98% of  
364 these types of projects are going to be developed under a Common Regime rather than fee simple  
365 lots.

366  
367 Councilor Jones asked whether private streets would work with this type of development. Mr.  
368 Eubanks stated it could be, but added that most of the municipalities he has worked with require  
369 private streets to be constructed according to a certain standard.

370  
371 This concluded Mr. Eubanks' presentation. He reminded the committee of a public workshop  
372 scheduled for Tuesday, January 9<sup>th</sup> at the Hannah Grimes Center from 3:30 pm to 5:30 pm.

373  
374 The Chair closed the public hearing.

375  
376 **IV) New Business**

377  
378 A motion was made by Councilor Jones that the Joint Committee adopt the 2024 Meeting Schedule  
379 and noted the meetings are scheduled to be held on the second Monday of each month with the  
380 exception of the October and November meetings which will be on the second Tuesday due to  
381 holiday conflict. The motion was seconded by Councilor Ormerod and was unanimously approved.

382  
383 **V) Next Meeting - Monday, February 12, 2024**

384  
385 **VI) Adjournment**

386  
387 There being no further business, Chair Bosley adjourned the meeting at 8:06 PM.

388  
389 Respectfully submitted by,  
390 Krishni Pahl, Minute Taker

391  
392 Reviewed and edited by,  
393 Megan Fortson, Planning Technician

## MEMORANDUM

**To:** Joint Committee of the Planning Board and PLD Committee  
**From:** Jesse Rounds, Community Development Director  
**Date:** March 1, 2024  
**Subject:** O-2023-16 – Relating to Permitted Uses in the Downtown Core, Downtown Growth, and Commerce Districts

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### Overview

This ordinance establishes a use definition for “Charitable Gaming Facility” in Article 8 of the Land Development Code (LDC) and proposes to permit this use in the Downtown Growth and Commerce Districts by right. Currently, “Charitable Gaming Facility” is undefined and, in the past, has been interpreted to fall under the definition of “Recreation / Entertainment Facilities – Indoor,” which is permitted in several districts including Downtown Core, Downtown Growth, Downtown Institutional, Commerce, Commerce Limited, and Business Growth and Reuse. Several of these districts may not be compatible with a Charitable Gaming Facility use and its related site and traffic impacts.

This ordinance also proposes to remove drive-through uses as a permitted accessory use by Special Exception in the Downtown Core District. The Downtown Core is fully contained within the Downtown Historic District. Drive-through uses are generally incompatible with the historic development pattern and pedestrian-oriented nature of the historic downtown and would be better suited in automobile-oriented areas of the City. Drive-through uses would continue to be permitted by right in the Commerce and Commerce Limited Districts, and by Special Exception from the Zoning Board of Adjustment in the Downtown Growth District.

### Charitable Gaming Facility – Overview and Proposed Definition

This ordinance proposes to establish the following use definition for “Charitable Gaming Facility” in Section 8.3.2 of Article 8, under the category of Commercial Uses:

*“Charitable Gaming Facility – A facility licensed in accordance with the requirements of RSA 287-D and operated by a Licensed Game Operator as defined by RSA 287-D:1, VII; or any facility operated by a person or entity licensed by the lottery commission under RSA 287-D:7 to operate games of chance on 5 or more dates per calendar year. Does not include games licensed under RSA 287-E.”*

Charitable Gaming Facilities are not defined in the Land Development Code. In order to permit this use within the City, the Zoning Administrator has determined that the closest definition in our current code is “Recreation / Entertainment Facilities – Indoor.” Charitable Gaming Facilities are a defined and licensed use at the state level and appear to differ from the other activities that

fall under “Recreation / Entertainment Facilities – Indoor.” In addition, this use has grown in popularity across the state. A number of cities and towns that do not have a separate definition for this use have seen this use proliferate in areas of their community that may or may not be appropriate. Some communities, such as the City of Nashua, do separate out the use and as a result are better able to target this type of development in areas of the city that the community has determined are appropriate.

### **Charitable Gaming Facility – Proposed Districts**

Staff propose to allow “Charitable Gaming Facility” by right in the Downtown Growth (DT-G) District and the Commerce (COM) District. These districts are located in areas with larger lots, more infill development potential, and access to parking that might be attractive to Charitable Gaming Facilities. These are the two districts where charitable gaming facilities either exist now or have been located in the recent past. The intent statements for these districts are included below:

- **Downtown Growth:** The DT-G 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.
- **Commerce:** The Commerce (COM) District is intended to provide an area for intense commercial development that is accessed predominantly by vehicles. Shopping plazas and multiple businesses in one building would be typical in this district. All uses in this district shall have city water and sewer service.

The Downtown Growth District includes the areas of the downtown that have the most available land for new development and redevelopment to occur. This district is located along the old railroad land and allows for high intensity uses and lots with higher massing and scale than any other district in the city except the Downtown Core. For example, the maximum height is 7 stories/85 feet, and allowed commercial uses include (but are not limited to) bars, event venues, funeral homes, restaurants, Recreation / Entertainment Facilities – Indoor and Outdoor, and light retail establishments. While this district generally does not require on-site parking, many of the properties in this district are larger in size and have sufficient room to accommodate on-site parking if needed. However, public parking (on street and surface lots) is available throughout most of this district, and the intent is for this district, as it develops, to continue the pedestrian-oriented look and feel of the Downtown Core.

The Commerce District is located in automobile-oriented areas of the city where all parking must be accommodated on site. A wide array of commercial uses are allowed in this district, including (but not limited to) bars, event venues, funeral homes, hotels and motels, restaurants, Recreation / Entertainment Facilities – Indoor and Outdoor, and retail establishments (heavy and light).

Both districts seem appropriate for Charitable Gaming Facilities, which are similar to other uses already allowed in these districts in terms of scale, intensity and potential site impacts such as noise, traffic generation and parking. These areas of the city are already developed or have been identified as areas where new development of high intensity and scale should occur.

In contrast, several of the districts where “Recreation / Entertainment Facility – Indoor” is allowed by right may not be compatible with Charitable Gaming Facility uses. Zoning districts like Downtown Core and Downtown Institutional are specifically defined to represent areas of the city with a unique character (such as the historic and pedestrian-oriented Downtown Core) or uses (i.e., the Keene State College campus). Zoning Districts like Commerce Limited and Business Growth & Reuse are focused on fostering appropriate commercial and light industrial uses that would not be out of place adjacent to residential neighborhoods.

For example, the intent statement for Business Growth and Reuse District states that it is intended for development that is *“of a scale and type compatible with adjacent residential neighborhoods.”* To that end, many of the uses allowed within this district are only allowed with limitations to restrict the size and intensity of the use. For example, Bed and Breakfast, Office, Cultural Facility, Private School, Industrial – Light, Warehouse & Distribution, and Wholesale are all uses that are permitted with limitations where the limitations are related to the size of the use and/or increased setbacks from residential areas. Therefore, staff recommend that a Charitable Gaming Facility, which has the potential to generate noise and traffic during hours that may not be compatible with adjacent single-family neighborhoods, should not be allowed in this district or should only be allowed with limitations to restrict the size and potential impacts on surrounding neighborhoods.

### **Drive-through Uses**

This ordinance also proposes to remove the option to seek a Special Exception from the Zoning Board of Adjustment to allow drive-throughs as an accessory use in the Downtown Core District. The Downtown Core is the heart of downtown Keene and is co-located with the Downtown Keene Historic District. The 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. The building and streetscape form in Keene emphasizes street level development that encourages walking. Drive-through uses drawing cars downtown for short and intermittent visits do not support either the walkable scale or the variety of mixed-uses that depend on residents and visitors coming to the downtown for extended periods of time.

The Downtown Chapter of the Master Plan states that new buildings in the downtown should be positioned to support a human scale and notes that “Moving building frontage up to the sidewalk in redevelopment areas of the downtown creates a “street wall” that encloses and focuses street and sidewalk activity.” Drive-through uses are in direct conflict with this goal because they, by definition, are oriented and designed for automobiles at the expense of pedestrian comfort and safety.

### **Master Plan Consistency**

The Master Plan has an entire chapter devoted to the downtown, and states that *“It is a central gathering place and the most visible representation of the community to visitors.”* The Comprehensive Master Plan specifically recognizes the importance of the design and the scale of downtown, especially for infill development, stating that appropriate infill development in the downtown:

- Is similar to Keene’s traditional downtown streetscape layout and massing of buildings on upper Main Street
- Incorporates wide sidewalks
- Includes streetscape amenities such as street trees, benches, rain gardens, traffic calming bump-outs, pocket parks, etc.
- Supports a high level of pedestrian and bicyclist connectivity through effective use of bike lanes and pathways
- Allows for a mix of uses that includes retail, commercial, institutional, and residential components
- Increases density within the downtown core, fostering downtown vibrancy and supporting community goals to reduce greenhouse gas emissions, create a walkable and bikeable community, encourage growth within the 9/10/12 Bypass, and protect valuable open space resources (such as Keene’s hillsides for their visual aesthetic and flood mitigation characteristics)

The Master Plan also states that downtown development should be consistent with the goals of downtown vibrancy and artistic, cultural, education, institutional, and entertainment uses. These goals conflict with the level of service necessary for a Charitable Gaming Facility which will compete for public parking with other uses at similar times of the day. In addition, they conflict with Drive-Through uses that by necessity are automobile-oriented.



# APPLICATION TO AMEND THE ZONING ORDINANCE

Petitioner: Community Development Department Date: October 16, 2023

Address: 3 Washington Street, Keene

Telephone: (603) 352-5440 Email: jrrounds@keenenh.gov

Table 4-1 of Article 4; Table 6.1.5 of Article 5; Table 8-1, Section 8.

Existing Section Reference in Chapter 100, Land Development Code: \_\_\_\_\_

Does the amendment affect "Minimum Lot Size"?  Yes  No

Does the amendment affect "Permitted Uses"?  Yes  No

Number of parcels in Zoning District\*: \_\_\_\_\_ <sup>DT-C, DT-G, and COMM</sup> 168

Validation of Number of parcels by the  
Community Development Department

  
\_\_\_\_\_  
Petitioner's Signature

### SUBMITTAL REQUIREMENTS WHICH MUST BE COMPLETE AT TIME OF SUBMISSION TO THE CITY CLERK:

- A properly drafted Ordinance containing the amendment in a form meeting the requirements of the City Clerk.
- A typed or neatly printed narrative explaining the purpose of, effect of, and justification for the proposed change(s).
- \$100.00 application fee.
- As provided for in RSA 675:7, if the proposed amendment would change the minimum lot sizes or the permitted uses in a zoning district, **\*and such change includes 100 or fewer properties**, the Petitioner shall submit a notarized list of property owners affected by the zoning amendment. The list shall include the tax map number and address of each abutter or owner, and must be current with the Assessing Department's records within ten days of submittal. Two sets of mailing labels shall be provided.

Date Received by City Clerk: \_\_\_\_\_ Ordinance Number: 0-2023-16

On City Council agenda: \_\_\_\_\_ Workshop to be held: \_\_\_\_\_

Public Hearing to be held \_\_\_\_\_



## APPLICATION TO AMEND THE ZONING ORDINANCE

### **APPLICABLE FEES:**

Application Fee @ \$100.00 \$ \_\_\_\_\_

Publication of Notice in The Keene Sentinel @ \$90.00 \$ \_\_\_\_\_

Postage Fees for property owners/agents and abutters at  
current USPS 1<sup>st</sup> Class Mailing rate  
*(Only needed if amendment impacts 100 or fewer properties)* \$ \_\_\_\_\_

**Total Fees submitted to City Clerk** \$ \_\_\_\_\_

**The petitioner is also responsible for the publication costs for the public workshop before the joint Planning Board and Planning, Licenses and Development Committee. Additional fees will be collected by the Community Development Department for the mailing costs associated with the public workshop (If a mailing is required pursuant to RSA 675:7), as well as the publication of the public workshop notice.**





# CITY OF KEENE

In the Year of Our Lord Two Thousand and \_\_\_\_\_ Twenty-Three

AN ORDINANCE Relating to Amendments to the Land Development Code, Permitted Uses in the Downtown Core, Downtown Growth and Commerce Districts

*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 by deleting the stricken text and adding the bolded and underlined text, as follows.

1. Amend Section 8.3.2. of Article 8 to add a definition for “Charitable Gaming Facility” under the category of Commercial Uses, as follows:

**I. Charitable Gaming Facility**

**1. Defined. Charitable Gaming Facility – A facility licensed in accordance with the requirements of RSA 287-D, and operated by a Licensed Game Operator as defined by RSA 287-D:1, VII; or any facility operated by a person or entity licensed by the lottery commission under RSA 287-D:7 to operate games of chance on 5 or more dates per calendar year. Does not include games licensed under RSA 287-E.**

2. Amend Section 8.4.2.C.2.a, “Specific Use Standards” of Article 8 to remove drive-through uses as a permitted use by Special Exception in the Downtown Core District, as follows:
  - a. Drive-through uses shall only be permitted by right in the Commerce and Commerce Limited Districts and by special exception from the Zoning Board of Adjustment in the Downtown-Growth and ~~Downtown-Core~~ Districts.
3. Update Table 8-1 “Permitted Principal Uses By Zoning District” in Article 8, Table 4-1 “Downtown Districts Permitted Uses” in Article 4, and Table 5.1.5 “Permitted Uses” in Article 5 to display “Charitable Gaming Facility” as a permitted use in the Downtown Growth District and Commerce District under the category of Commercial Uses.

\_\_\_\_\_  
George S. Hansel, Mayor

**F. Bar**

1. **Defined.** An establishment where the primary purpose is the sale of alcoholic beverages for consumption on the premises. Snack foods or other prepared food may be available for consumption on the premises.

**G. Bed and Breakfast**

1. **Defined.** An owner- or operator-occupied single-family dwelling that provides lodging for a daily fee in guest rooms with no in-room cooking facilities (excluding microwaves and mini-refrigerators), and prepares meals for guests.
2. **Use Standards**
  - a. No more than 9 guest rooms are permitted.
  - b. Meals shall be served to registered guests only.

**H. Car Wash**

1. **Defined.** An establishment for the washing and cleaning of motor vehicles or other light duty equipment, whether automatic, by hand, or self-service. The car wash facility may be within an enclosed structure, an open bay structure, or other configuration.

**I. Charitable Gaming Facility**

1. **A facility operated by a Licensed Game Operator as defined in RSA 287-D:1.VII or any facility operated by a business licensed by the lottery commission to operate games of chance for 5 or more dates per calendar year. Does not include games of chance contained in RSA 287-E.**

**J. I-Clinic**

1. **Defined.** A facility with more than 5 employees where medical, dental, mental health, alternative medical practitioners, or other licensed healthcare practitioners examine and treat natural persons on an outpatient basis.

**K. J- Event Venue**

1. **Defined.** A facility that provides hosting and rental services of a banquet hall or similar facility for private events (e.g. wedding receptions, holiday parties, fundraisers, etc.) with on-site or catered food service to invited guests during intermittent dates and hours of operation. Live entertainment may occur as part of an event. An event venue is not operated as a restaurant with regular hours of operation.

**L. K-Funeral Home**

1. **Defined.** A facility where the deceased are prepared for burial display and for rituals before burial or cremation. A funeral home may include chapels, crematoriums, and showrooms for the display and sale of caskets, vaults, urns, and other items related to burial services.

**M. L-Greenhouse / Nursery**

1. **Defined.** An establishment where flowers, shrubbery, vegetables, trees, and other horticultural and floricultural products are propagated and sold, and may include the sale of items directly related to their care and maintenance.

**N. M-Health Center / Gym**

1. **Defined.** An establishment that provides indoor and/or outdoor activities for members related to health, physical fitness or exercise (e.g. weight training, aerobics, swimming, court sports, climbing, etc.).

**O. N- Heavy Rental and Service Establishment**

1. **Defined.** Rental or service establishments of a heavier- and larger-scale commercial character, typically requiring permanent outdoor service or storage areas or partially enclosed structures. Examples of heavy rental and service establishments include truck rental establishments, and rental and repair of heavy equipment.

**P. O- Hotel/Motel**

1. **Defined.** A commercial facility that provides rooms for sleeping and customary lodging

## B. Day Care, Home-Based

1. **Defined.** A residential dwelling where, for a portion of a 24-hour day, licensed care and supervision is provided in a protective setting by a permanent occupant of the dwelling for children or elderly and/or functionally-impaired adults that are not related to the owner or operator of the facility.
2. **Use Standard.** This use shall provide full-time care to no more than 6 natural persons and part-time care to no more than 9 natural persons each day of operation.

## C. Drive-Through Uses

1. **Defined.** An establishment designed for the general public to make use from their vehicles of the sales or services provided on the premises.
2. **Use Standards**
  - a. Drive-through uses shall only be permitted by right in the Commerce and Commerce Limited Districts, and by special exception from the Zoning Board of Adjustment in the Downtown-Growth **and Downtown-Core** Districts.
  - a. Drive-through uses shall be subject to the screening standards for drive-through businesses in Section 20.6 of this LDC.

## D. Home Occupation

1. **Defined.** A use conducted by the inhabitants of a dwelling unit that is clearly incidental and secondary to the use of the premises for dwelling purposes and does not change the residential character thereof.
2. **Use Standards**
  - a. The use may not exceed 10% of the total gross floor area of the principal dwelling unit or 300-sf, whichever is less, and may be located in either the principal dwelling unit or an accessory building on the same lot.

- b. There shall be no more than 1 employee who is not a resident of the principal dwelling unit.
- c. All activity associated with producing, storing, or selling the goods or services of the home occupation shall be performed inside the principal dwelling unit or an accessory building on the same lot.
- d. The use shall not be identified by any externally visible sign, on-premises advertising of any kind, or any off-premises advertising that identifies the location of the property.
- e. The use shall not result in alteration of the residential appearance of the dwelling unit or the lot on which it is located.
- f. The use shall not generate vehicular or pedestrian traffic of a quantity or quality as to be injurious, offensive, or otherwise detrimental to the neighborhood. Vehicular traffic of more than 10-vehicles per day shall be considered prima facie evidence of traffic that is detrimental to the neighborhood.
- g. Retail sales as a primary home occupation that attracts customers to the lot to purchase articles and/or goods is not permitted. Retail sales that are accessory to a home occupation, such as, but not limited to, a beauty salon selling hair care products, is permitted.
- h. Retail sales where the customers do not visit the residence is permitted, such as sales over the Internet and the goods are shipped either from the residence or another location.

## E. Mobile Food Vendors

1. **Defined.** A self-contained food service operation located in a licensed, readily movable motorized/wheeled/towed vehicle,

TABLE 8-1: PERMITTED PRINCIPAL USES BY ZONING DISTRICT

P = Permitted P<sup>1</sup> = Permitted with limitations per Article 8 SE = Permitted by Special Exception CUP = Permitted by Conditional Use Permit CRD = Permitted by Conservation Residential Development - = Not Permitted

Use Definition & Standards Section #

RESIDENTIAL USES	R	RP	LD	LD-1	MD	HD	HD-1	DT-C	DT-G	DT-E	DT-L	DT-T	DT-I	COM	CL	BGR	NB	O	CP	I	IP	HC	A	C	
Dwelling, Above Ground Floor	-	-	-	-	P	P	P	P	P	P	P	P	P	-	-	P	P	P	-	-	-	-	P	-	8.3.1.A
Dwelling, Manufactured Housing	P <sup>1</sup>	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	8.3.1.B
Dwelling, Multifamily	CRD	-	CRD	CRD	P <sup>1</sup>	P	P	P <sup>1</sup>	P P <sup>1</sup>	P	P	P	-	P <sup>1</sup>	-	P	P	P	-	-	-	-	-	-	8.3.1.C
Dwelling, Single-Family	P	P	P	P	P	P	P	-	-	-	-	P	-	-	-	-	P	P	-	-	-	-	P	-	8.3.1.D
Dwelling, Two-Family / Duplex	CRD	-	CRD	CRD	P	P	P	-	-	P	P	P	-	-	-	-	P	P	-	-	-	-	SE	-	8.3.1.E
Manufactured Housing Park	P	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	8.3.1.F
COMMERCIAL USES	R	RP	LD	LD-1	MD	HD	HD-1	DT-C	DT-G	DT-E	DT-L	DT-T	DT-I	COM	CL	BGR	NB	O	CP	I	IP	HC	A	C	
Agricultural-Related Educational & Recreational Activity as a Business	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P <sup>1</sup>	-	8.3.2.A
Animal Care Facility	P	-	-	-	-	-	-	-	P	P	P	-	-	P	P	-	-	-	-	-	-	-	P	-	8.3.2.B
Art Gallery	-	-	-	-	-	-	-	P	P	P	P	-	P	P	P	P	P	-	-	-	-	-	-	-	8.3.2.C
Art or Fitness Studio	-	-	-	-	-	-	-	P	P	P	P	-	P	P	P	P	P	-	-	P	-	-	-	-	8.3.2.D
Banking or Lending Institution	-	-	-	-	-	-	-	P	P	P	P	-	P	P	P	-	P	-	-	-	-	-	-	-	8.3.2.E
Bar	-	-	-	-	-	-	-	P	P	-	-	-	-	P	P	-	-	-	-	-	-	-	-	-	8.3.2.F
Bed and Breakfast	SE	SE	-	-	-	SE	SE	-	-	-	-	P <sup>1</sup>	-	-	-	P <sup>1</sup>	SE	P <sup>1</sup>	-	-	-	-	SE	-	8.3.2.G
Car Wash	-	-	-	-	-	-	-	-	-	SE	-	-	-	P	P	-	-	-	-	P	-	-	-	-	8.3.2.H
<b>Charitable Gaming Facility</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>P</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>P</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>8.3.2.I</b>
Clinic	-	-	-	-	-	-	-	P	P	P	P	-	P	P	P	-	-	-	-	-	-	P	-	-	8.3.2.IJ
Event Venue	-	-	-	-	-	-	-	-	P	-	-	-	P	P	-	-	-	-	-	-	-	-	SE	-	8.3.2.JK
Funeral Home	-	-	-	-	-	-	-	-	P	P	P	P	-	P	P	-	P	P	-	-	-	-	-	-	8.3.2.KL
Greenhouse / Nursery	P	-	-	-	-	-	-	-	-	-	-	-	-	P	P	P	-	-	-	P	-	-	P	-	8.3.2.LM
Health Center / Gym	-	-	-	-	-	-	-	P	P	P	P	-	P	P	P	P	-	-	-	P	-	P	-	-	8.3.2.MN
Heavy Rental & Service Establishment	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P	-	-	-	-	P	-	-	-	-	8.3.2.NO
Hotel/Motel	-	-	-	-	-	-	-	P	P	-	-	-	P	P	-	-	-	-	-	-	-	-	-	-	8.3.2.OP
Kennel	P	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P	-	8.3.2.PQ
Micro-Brewery/Micro-Distillery/Micro-Winery	-	-	-	-	-	-	-	P	P	-	-	-	-	P	P	-	-	-	-	-	-	-	-	-	8.3.2.R-T
Motor Vehicle Dealership	-	-	-	-	-	-	-	-	-	P	-	-	-	P	P	-	-	-	-	-	-	-	-	-	8.3.2.TU
Neighborhood Grocery Store	-	-	-	-	-	SE	-	P	P	P	P	-	-	P	-	P	P	-	-	-	-	-	-	-	8.3.2.UV
Office	-	-	-	-	-	-	-	P	P	P	P	P	P	P	P	P <sup>1</sup>	P <sup>1</sup>	P	P <sup>1</sup>	SE	SE	P	-	-	8.3.2.VW
Personal Service Establishment	-	-	-	-	-	-	-	P	P	P	P	-	P	P	P	P	P	-	-	-	-	P	-	-	8.3.2.WX
Private Club / Lodge	-	-	-	-	-	-	-	P	P	P	P	SE	-	P	P	-	-	SE	-	-	-	-	-	-	8.3.2.XY
Recreation/Entertainment Facility - Indoor	-	-	-	-	-	-	-	P	P	-	-	-	P	P	P	P	-	-	-	-	-	-	-	-	8.3.2.YZ
Recreation/Entertainment Facility - Outdoor	-	-	-	-	-	-	-	-	P	-	-	-	P	P	P	-	-	-	-	-	-	-	SE	-	8.3.2.ZAA
Research and Development	-	-	-	-	-	-	-	SE	P	-	-	-	P	P	P	P	-	-	P	P	P	P	-	-	8.3.2.AAAB
Restaurant	-	-	-	-	-	-	-	P	P	P	P	-	P	P	P	P <sup>1</sup>	P <sup>1</sup>	-	-	-	-	-	-	-	8.3.2.ABAC
Retail Establishment, Heavy	-	-	-	-	-	-	-	-	-	-	-	-	-	P	P	-	-	-	-	-	-	-	-	-	8.3.2.ACAD
Retail Establishment, Light	-	-	-	-	-	-	-	P	P	P	P	-	P	P	P	-	P <sup>1</sup>	-	-	-	-	P	-	-	8.3.2.ADAE
Self Storage Facility - Exterior Access	-	-	-	-	-	-	-	-	-	-	-	-	-	P	P	-	-	-	-	P	-	-	-	-	8.3.2.AEAF
Self Storage Facility - Interior Access	-	-	-	-	-	-	-	-	SE	P	-	-	-	P	P	-	-	-	-	P	-	-	-	-	8.3.2.AFAG
Sexually Oriented Business	-	-	-	-	-	-	-	-	-	-	-	-	-	P <sup>1</sup>	-	-	-	-	-	-	-	-	-	-	8.3.2.AGAH
Specialty Food Service	-	-	-	-	-	-	-	P	P	P	P	-	P	P	P	P	P	-	-	-	-	-	-	-	8.3.2.AHAI
Vehicle Fueling Station	-	-	-	-	-	-	-	-	-	-	-	-	-	P <sup>1</sup>	P <sup>1</sup>	-	-	-	-	-	-	-	-	-	8.3.2.AIAJ

### 4.1.3 Permitted Uses

Table 4-1: Downtown Districts Permitted Uses identifies the principal uses permitted within the Downtown Districts.

- A. A "P" within the table indicates that the use is permitted by-right in the district indicated.
- B. An "P<sup>1</sup>" within the table indicates that the use is permitted with limitations in the district indicated. Use specific standards are located in Section 8.3 of this LDC, underneath the definition for the use.

- C. An "SE" within the table indicates that the use requires approval by the Zoning Board of Adjustment as a Special Exception in the district indicated.
- D. A "CUP" within the table indicates that the use requires a Conditional Use Permit from the Planning Board in the district indicated.
- E. A "-" within the table indicates the use is not allowed in the district indicated.

**Table 4-1: Downtown Districts Permitted Uses**

RESIDENTIAL USES	DT-C	DT-G	DT-E	DT-L	DT-T	DT-I	SECTION
Dwelling, Above Ground Floor	P	P	P	P	P	P	8.3.1.A
Dwelling, Multifamily	P <sup>1</sup>	P	P	P	P	-	8.3.1.C
Dwelling, Single-Family	-	-	-	-	P	-	8.3.1.D
Dwelling, Two-Family / Duplex	-	-	P	P	P	-	8.3.1.E
COMMERCIAL USES	DT-C	DT-G	DT-E	DT-L	DT-T	DT-I	SECTION
Animal Care Facility	-	P	P	P	-	-	8.3.2.B
Art Gallery	P	P	P	P	-	P	8.3.2.C
Art or Fitness Studio	P	P	P	P	-	P	8.3.2.D
Banking or Lending Institution	P	P	P	P	-	P	8.3.2.E
Bar	P	P	-	-	-	-	8.3.2.F
Bed and Breakfast	-	-	-	-	P <sup>1</sup>	-	8.3.2.G
Car Wash	-	-	SE	-	-	-	8.3.2.H
<b>Charitable Gaming Facility</b>	<b>-</b>	<b>P</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>8.3.2.I</b>
Clinic	P	P	P	P	-	P	8.3.2.J
Event Venue	-	P	-	-	-	P	8.3.2.K
Funeral Home	-	P	P	P	P	-	8.3.2.L
Health Center / Gym	P	P	P	P	-	P	8.3.2.MN
Hotel/Motel	P	P	-	-	-	P	8.3.2.OP
Micro-Brewery/Micro-Distillery/Micro-Winery	P	P	-	-	-	-	8.3.2.R-T
Motor Vehicle Dealership	-	-	P	-	-	-	8.3.2.TU
Neighborhood Grocery Store	P	P	P	P	-	-	8.3.2.UV
Office	P	P	P	P	P	P	8.3.2.VW
Personal Service Establishment	P	P	P	P	-	P	8.3.2.WX
Private Club / Lodge	P	P	P	P	SE	-	8.3.2.XY
Recreation/Entertainment Facility - Indoor	P	P	-	-	-	P	8.3.2.YZ
Recreation/Entertainment Facility - Outdoor	-	P	-	-	-	P	8.3.2.ZAA
Research and Development	SE	P	-	-	-	P	8.3.2.AAAB
Restaurant	P	P	P	P	-	P	8.3.2.ABAC
Retail Establishment, Light	P	P	P	P	-	P	8.3.2.ADAE

## 5.1 COMMERCE (COM)

### 5.1.1 Purpose

The Commerce (COM) District is intended to provide an area for intense commercial development that is accessed predominantly by vehicles. Shopping plazas and multiple businesses in one building would be typical in this district. All uses in this district shall have city water and sewer service.

### 5.1.2 Dimensions & Siting

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

### 5.1.3 Buildout

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

### 5.1.4 Height

<b>Max Stories Above Grade<sup>a,b</sup></b>	2
<i><sup>a</sup>With an additional 10-foot front and side building setback, or a building height stepback of at least 10 feet. Stepback must occur above the ground floor.</i>	3
<i><sup>b</sup>With an additional 20-foot front and side building setback, or a building height stepback of at least 20 feet. Stepback must occur above the ground story and no higher than the third story.</i>	4
<b>Max Building Height<sup>a,b</sup></b>	35 ft
<i><sup>a</sup>With an additional 10-foot front and side building setback, or a building height stepback of at least 10 feet. Stepback must occur above the ground floor.</i>	42 ft
<i><sup>b</sup>With an additional 20-foot front and side building setback, or a building height stepback of at least 20 feet. Stepback must occur above the ground story and no higher than the third story.</i>	56 ft

## 5.1.5 Permitted Uses

RESIDENTIAL USES		
Dwelling, Multi-family	P <sup>1</sup>	8.3.1.C
COMMERCIAL USES		
		SECTION
Animal Care Facility	P	8.3.2.B
Art Gallery	P	8.3.2.C
Art or Fitness Studio	P	8.3.2.D
Banking or Lending Institution	P	8.3.2.E
Bar	P	8.3.2.F
Car Wash	P	8.3.2.H
<b>Charitable Gaming Facility</b>	<b>P</b>	<b>8.3.2.I</b>
Clinic	P	8.3.2.IJ
Event Venue	P	8.3.2.JK
Funeral Home	P	8.3.2.KL
Greenhouse / Nursery	P	8.3.2.LM
Health Center / Gym	P	8.3.2.MN
Hotel/Motel	P	8.3.2.OP
Micro-Brewery/Micro-Distillery/ Micro-Winery	P	8.3.2.R-T
Motor Vehicle Dealership	P	8.3.2.TU
Neighborhood Grocery Store	P	8.3.2.UV
Office	P	8.3.2.VW
Personal Service Establishment	P	8.3.2.WX
Private Club / Lodge	P	8.3.2.XY
Recreation/Entertainment Facility - Indoor	P	8.3.2.YZ
Recreation/Entertainment Facility - Outdoor	P	8.3.2.ZAA
Research and Development	P	8.3.2.AAAB
Restaurant	P	8.3.2.ABAC
Retail Establishment, Heavy	P	8.3.2.ACAD
Retail Establishment, Light	P	8.3.2.ADAE
Self Storage Facility - Exterior Access	P	8.3.2.AEAF
Self Storage Facility - Interior Access	P	8.3.2.AFAG
Sexually Oriented Business	P <sup>1</sup>	8.3.2.AGAH
Specialty Food Service	P	8.3.2.AHAI
Vehicle Fueling Station	P <sup>1</sup>	8.3.2.AIAJ
Vehicle Rental Service	P	8.3.2.AJAK
Vehicle Repair Facility – Major	P <sup>1</sup>	8.3.2.AKAL
Vehicle Repair Facility – Minor	P <sup>1</sup>	8.3.2.ALAM
INSTITUTIONAL USES		
		SECTION
Community Center	P <sup>1</sup>	8.3.3.A
Cultural Facility	P <sup>1</sup>	8.3.3.B
Day Care Center	P	8.3.3.C

## MEMORANDUM

**To:** Joint Committee of the Planning Board and PLD Committee  
**From:** Jesse Rounds, Community Development Director  
**Date:** March 1, 2024  
**Subject:** O-2024-01 Relating to the Cottage Court Overlay District

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### Overview

This Ordinance proposes to add a new residential overlay district to the City of Keene Zoning Regulations, the "Cottage Court Overlay District," that would allow for residential infill development and redevelopment to occur at a higher density than allowed in the underlying zoning district. The proposed overlay district would apply to parcels that have both city water and sewer service in the Rural (R), Residential Preservation (RP), Low Density (LD), Low Density 1 (LD-1), Medium Density (MD), High Density (HD), and High Density 1 (HD-1) districts.

The intent of the proposed Cottage Court Overlay District is to:

1. Promote infill development and redevelopment within established neighborhoods that is built at a scale and character consistent with existing development patterns.
2. Encourage efficient use of land and cost-effective delivery of community services.
3. Expand the range of housing choices available to meet the needs of the city's changing demographic trends, including smaller households, young professionals, older adults, and empty nesters.
4. Provide developers and property owners with flexibility to achieve high quality design and develop projects that strengthen existing neighborhoods.
5. Encourage compact development that is pedestrian-scaled, healthy, safe, and affordable.

To accomplish this purpose, the Cottage Court Overlay District would allow for innovative site design and clustering of smaller residential units at a higher density within the tract than would be allowed by the underlying zoning district. Any proposals for a Cottage Court Development would require a conditional use permit issued by the Keene Planning Board.

### Consistency with the 2010 Comprehensive Master Plan

The City of Keene's Master Plan, which was adopted in 2010, states that housing needs will remain similar to current levels; however, in the 14 years since its adoption, conditions have changed significantly. The need for new housing supply is affecting many aspects of the Keene community, including older adults / empty nesters who do not have good options to downsize, young families that are unable to find housing to meet their growing families' needs, businesses that struggle to attract and retain employees, young professionals that cannot find housing

suitable for their lifestyle and needs, and people in the community who are housing insecure or homeless due to the low vacancy rates for both rental and for sale homes. The need for additional housing supply is well-documented in the recent [Housing Needs Assessment Report](#) that was accepted by City Council on June 15, 2023, which estimates that the City of Keene will need 1,400 new housing units built by 2033 to meet the projected need for new housing. This represents a growth rate of about 14%; however, the growth rate in new housing over the past 10 years was only about 4%.

Although the 2010 Comprehensive Master Plan does not contemplate a high need for new housing, it does explicitly state that residential infill development is a desirable and creative housing solution that *“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 Housing Chapter of the Master Plan includes a goal to “Provide a Balanced and Diverse Housing Stock.” Under this goal, the 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.”*

Furthermore, this section states that *“Infill or redevelopment within existing neighborhoods should be built at a scale, density and character consistent with the existing development patterns. For example, in-law apartments or the conversion of a large home into condominiums can fit seamlessly into the built environment, without drastic change to the outward appearance; i.e., the large home could still appear to be a single-family residence. **This type of residential infill allows for a change in density, not a change in intensity of residential use**, which in turn supports the community’s goal to create a compact, walkable community and provide choice in housing.”* (emphasis added).

In addition, the plan recognizes the growing “affordability gap,” or the difference between the actual median home price cost and what a median-income household can afford and recommends that the city should support creative means to expand affordable and workforce housing. Under the “Affordable Housing” section of the Housing Chapter, the plan specifically calls out changes to land-use regulations as a way to help create a market for developers to build more affordable housing through the provision of density bonuses or other incentives.

This ordinance is directly aligned with the recommendations in the 2010 Master Plan to focus on residential infill because it would allow for a higher density of residential development to occur in areas of the city where residential neighborhoods already exist and where city water and sewer service is provided. In addition, it is aligned with the plan’s recommendations regarding affordable housing because it limits the size of individual units, allows for flexibility in site to design to make it more feasible for developers to build affordable housing while still making a profit, and includes a parking incentive for workforce housing.

### **Housing Needs Assessment Background**

The 2023 Housing Needs Assessment Report included four implementation goals targeted to help position Keene to meet the community’s growing and changing housing needs. Strategy 4D of Goal 4 “Support Residents and Special Population Groups in Meeting Their Housing Needs” suggests creating options for downsizing empty nesters and active seniors. This proposal grew



out of a recognition through the Housing Survey and stakeholder interviews, that a number of residents in Keene live in older, larger housing that may not be appropriate for their stage in life. In addition, staff saw an opportunity to retrofit underutilized and vacant parcels that had been overlooked in the past because of the limitations of the Zoning Code.

The Strategy in the Assessment suggested looking into ways to relieve issues related to density on small parcels and to look at alternative development patterns such as mixing duplex, triplex and smaller homes on lots within traditionally single-family districts.

## **Discussion**

The Cottage Court Overlay District addresses the guidance of the Comprehensive Master Plan to seek out infill development opportunities and expands on the Housing Needs Assessment's "Strategy 4D" to provide housing that appeals to people at a variety of stages of life. The purpose is to provide variable density housing developments throughout the residential zoning districts of the City of Keene with small footprint housing. The purpose of this overlay district is to provide property owners and the development community with another option for developing housing.

The Ordinance begins with a broad purpose statement, stating that the Overlay District should:

1. Promote infill development and redevelopment within established neighborhoods that is built at a scale and character consistent with existing development patterns.
2. Encourage efficient use of land and cost-effective delivery of community services.
3. Expand the range of housing choices available to meet the needs of the city's changing demographic trends, including smaller households, young professionals, older adults, and empty nesters.
4. Provide developers and property owners with flexibility to achieve high quality design and develop projects that strengthen existing neighborhoods.
5. Encourage compact development that is pedestrian-scaled, healthy, safe, and affordable.

This purpose shall be accomplished by allowing for innovative site design and clustering of smaller residential units at a higher density within the tract than would be allowed by the underlying zoning district.

The proposed ordinance does not require a specific development density, nor does it require a minimum lot size. The proposal is called an "Overlay" ordinance because it is not tied to a specific zoning district, instead, it can be used in any residential zoning district if a set of criteria are met. The nature of the overlay model makes it suited to the Conditional Use Permit model used in other overlay districts in the city.

The Cottage Court Overlay District limits building size to an average of 1,250 square feet with a footprint of no more than 900 square feet except in specific cases. The district also permits small-scale commercial development.

To allow for denser development and more alternatives in style, property owners and developers can choose to create condominium style projects under a common ownership regime or develop the properties as subdivided fee-simple ownership developments. This creates flexibility for

costs, design styles, open space areas, and access. All ways to alter the costs of development and ownership. There are also specific opportunities for age-restricted and workforce housing.

The Joint Committee heard an initial concept for the Cottage Court Overlay on January 8, 2024 and their initial feedback was very positive. The committee praised the overall concept and commented on specific ideas such as the architectural guidelines. With their feedback staff worked with our consultants to address any areas of concern.

Community Development held a public workshop on the topic. Over 30 attendees reviewed options presented by our consultant and provided direct feedback. The feedback focused on creating a flexible overlay that could lead to a variety of development styles.

The proposed overlay district creates a flexible way for the City to encourage infill development across the residential districts of Keene. The Conditional Use Permit process provides the Planning Board and the community a way to carefully consider those changes as they happen. The goal is to allow considered flexibility.



APPLICATION TO AMEND THE ZONING ORDINANCE

Petitioner: Community Development Date: 2/12/2024

Address: 3 Washington Street Keene, NH

Telephone: (603) 352-5440 Email: jrounds@keenenh.gov

Existing Section Reference in Chapter 100, Land Development Code: N/A

Does the amendment affect "Minimum Lot Size"? [x] Yes [ ] No

Does the amendment affect "Permitted Uses"? [x] Yes [ ] No

Number of parcels in Zoning District\*: LD-1 >100/HD-1 >100

Validation of Number of parcels by the Community Development Department

Petitioner's Signature

SUBMITTAL REQUIREMENTS WHICH MUST BE COMPLETE AT TIME OF SUBMISSION TO THE CITY CLERK:

- A properly drafted Ordinance containing the amendment in a form meeting the requirements of the City Clerk.
A typed or neatly printed narrative explaining the purpose of, effect of, and justification for the proposed change(s).
\$100.00 application fee.
As provided for in RSA 675:7, if the proposed amendment would change the minimum lot sizes or the permitted uses in a zoning district, \*and such change includes 100 or fewer properties, the Petitioner shall submit a notarized list of property owners affected by the zoning amendment. The list shall include the tax map number and address of each abutter or owner, and must be current with the Assessing Department's records within ten days of submittal. Two sets of mailing labels shall be provided.

Date Received by City Clerk: Ordinance Number:

On City Council agenda: Workshop to be held:

Public Hearing to be held



## APPLICATION TO AMEND THE ZONING ORDINANCE

### **APPLICABLE FEES:**

Application Fee @ \$100.00 \$ \_\_\_\_\_

Publication of Notice in The Keene Sentinel @ \$90.00 \$ \_\_\_\_\_

Postage Fees for property owners/agents and abutters at  
current USPS 1<sup>st</sup> Class Mailing rate  
*(Only needed if amendment impacts 100 or fewer properties)* \$ \_\_\_\_\_

**Total Fees submitted to City Clerk** \$ \_\_\_\_\_

**The petitioner is also responsible for the publication costs for the public workshop before the joint Planning Board and Planning, Licenses and Development Committee. Additional fees will be collected by the Community Development Department for the mailing costs associated with the public workshop (If a mailing is required pursuant to RSA 675:7), as well as the publication of the public workshop notice.**



# CITY OF KEENE

In the Year of Our Lord Two Thousand and \_\_\_\_\_ Twenty Four

AN ORDINANCE \_\_\_\_\_ Relating to the Cottage Court Overlay District

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

That Chapter 100 of the Code of Ordinances of the City of Keene, the Land Development Code, as amended, is further amended as follows:

- I. That a new article entitled “Cottage Court Overlay District” is added to the Zoning Regulations after Article 16, as follows:

**17.1 PURPOSE**

The purpose of the cottage court overlay district is to:

- 1. Promote infill development and redevelopment within established neighborhoods that is built at a scale and character consistent with existing development patterns.
- 2. Encourage efficient use of land and cost-effective delivery of community services.
- 3. Expand the range of housing choices available to meet the needs of the city's changing demographic trends, including smaller households, young professionals, older adults, and empty nesters.
- 4. Provide developers and property owners with flexibility to achieve high quality design and develop projects that strengthen existing neighborhoods.
- 5. Encourage compact development that is pedestrian-scaled, healthy, safe, and affordable.

This purpose shall be accomplished by allowing for innovative site design and clustering of smaller residential units at a higher density within the tract than would be allowed by the underlying zoning district.

**17.2 APPLICABILITY**

**17.2.1 Generally**

All land located within the Cottage Court Overlay (CCO) District, as defined in Section 17.3, is subject to this article.

**17.2.2 Authority**

All proposals for a Cottage Court development shall obtain a conditional use permit issued by the Planning Board in accordance with N.H. RSA 674:21, Innovative Land Use Controls. The conditional use permit shall set forth all conditions of approval and shall clearly list all plans, drawings and other submittals that are part of the approved development.

### 17.3 DISTRICT DEFINED

Cottage Court developments shall be permitted in all Residential Districts (R, RP, LD, LD-1, MD, HD, and HD-1), subject to the provisions of this section. Parcels may be aggregated. Parcel(s) must have both city water and sewer service.

### 17.4. PERMITTED USES

- A.** A cottage court conditional use permit issued by the Planning Board shall be required for the uses listed in Table 17-1 when proposed as part of a cottage court development.

**Table 17-1: Cottage Court Development Permitted Uses**

<b>Residential Uses</b>	<b>R</b>	<b>RP</b>	<b>LD-1</b>	<b>LD</b>	<b>MD</b>	<b>HD</b>	<b>HD-1</b>	<b>SECTION</b>
Dwelling, Single Family	P	P	P	P	P	P	P	8.3.1.D
Dwelling, Two Family / Duplex	P	P	P	P	P	P	P	8.3.1.E
Dwelling, Triplex*			P	P	P	P	P	8.3.1.C
Dwelling, Townhome**				P	P	P	P	8.3.1.C
Dwelling, Multi-Family						P	P	8.3.1.C
Dwelling, Above Ground Floor	P	P	P	P	P	P	P	8.3.1.A
<b>Non-Residential Uses</b>	<b>R</b>	<b>RP</b>	<b>LD-1</b>	<b>LD</b>	<b>MD</b>	<b>HD</b>	<b>HD-1</b>	<b>SECTION</b>
Neighborhood Grocery Store	p <sup>1</sup>	p <sup>1</sup>	p <sup>1</sup>	p <sup>1</sup>	p <sup>1</sup>	p <sup>1</sup>	p <sup>1</sup>	8.3.2.U
Office	p <sup>1</sup>	p <sup>1</sup>	p <sup>1</sup>	p <sup>1</sup>	p <sup>1</sup>	p <sup>1</sup>	p <sup>1</sup>	8.3.2.V
Restaurant	p <sup>1</sup>	p <sup>1</sup>	p <sup>1</sup>	p <sup>1</sup>	p <sup>1</sup>	p <sup>1</sup>	p <sup>1</sup>	8.3.2.AB
Retail Establishment, Light	p <sup>1</sup>	p <sup>1</sup>	p <sup>1</sup>	p <sup>1</sup>	p <sup>1</sup>	p <sup>1</sup>	p <sup>1</sup>	8.3.2.AD
Day Care Center	p <sup>1</sup>	p <sup>1</sup>	p <sup>1</sup>	p <sup>1</sup>	p <sup>1</sup>	p <sup>1</sup>	p <sup>1</sup>	8.3.3.C
Community Garden	P	P	P	P	P	P	P	8.3.6.B

*P = Permitted in the CCO      P<sup>1</sup> = Permitted in the CCO with limitations per Section 17.4.B*

*\*Triplexes fall under the definition for multi-family but in the CCO, the units must be attached horizontally and may not exceed three (3) units in a building.*

*\*\*Townhomes fall under the definition for multi-family but in the CCO, the units must be attached horizontally and must be between four (4) and six (6) units in a building.*

**B. Use Standards:**

1. Commercial Uses (Neighborhood Grocery Store, Office, Restaurant, and Retail Establishment, Light) are allowed as follows:

- a. The commercial use must be on the corner of a public right-of-way.
- b. The commercial space shall be a maximum of 1,000 square feet.
- c. There must be residential uses above the commercial use.

2. Day Care Center (Institutional Use) is an allowed use as follows:

- a. The use must be on the ground floor.
- b. The use shall be a maximum of 2,000 square feet.
- c. There must be residential uses above the day care center.

**C. Uses Accessory to Residential Use**

- a. Laundry and/or Storage structures for the use of residents are allowed if shown on the site plan prior to approval.

- b. Common Use Buildings with uses customary to support residential uses (kitchen area, meeting area, exercise areas, mail and package delivery, etc.) are allowed if shown on the site plan prior to approval.
- c. Other structures for the use or enjoyment of the residents such as picnic pavilions, arbors, trellises, mail kiosks, etc. are allowed if shown on the site plan prior to approval.
- d. Landscape elements for the use or enjoyment of the residents such as fire pits, bocce courts, play equipment, community garden beds, dog walks, picnic areas, sitting areas, and planting areas are allowed uses.
- e. Attached or Detached Garages are allowed in any district. This use may have units above the structure.

## 17.5 CONDITIONAL USE PERMIT

### 17.5.1 Development Types Allowed

- A. Projects may be developed on a single parcel of land with either a Property Management Entity, if rental units, or Homeowners Association (HOA) or Condominium Association, if for sale.
- B. Projects may be developed as a subdivision with units on individual lots. The project shall utilize either a Property Management Entity, if rental units, or a Homeowners Association (HOA) or Condominium Association, if for sale.
  - 1. **Buildout.** If lots are subdivided, the maximum building coverage, maximum impervious coverage, and stormwater runoff may be calculated for the overall tract, not individual lots, if open space is permanently protected through deed restrictions, conservation easements, or other means.
- C. Any Cottage Court development that includes proposals for condominium ownership or an HOA shall comply with all applicable state statutes regulating the condominium form of ownership and HOAs.

### 17.5.2 Dimensional Standards

- A. Minimum Dimensional Standards. All Cottage Court Developments shall meet the minimum dimensional standards specified in Table 17-2. If not specified in Table 17-2 or elsewhere in this Article, the dimensional requirements of the underlying zoning district shall apply.

Table 17-2. Dimensional Requirements for Cottage Court Developments

<b>TRACT</b>	<b>Min tract size</b>		None
	<b>Min tract frontage</b>		30 ft
	<b>Perimeter Building Setback</b>	<b>From external roads</b>	Setbacks from existing roads external to the development may be less than the underlying zoning district in order to match an established building line along the road.
		<b>From other tract boundaries</b>	Shall match that of the underlying zoning district.
<b>LOT</b>	<b>Min Lot Area</b>		None
	<b>Min Road Frontage (internal roads)</b>		26 ft
	<b>Min Lot Width at Building Line</b>		None
	<b>Front, Rear, and Side Setbacks</b>		None

- B.** Density. There are no minimum or maximum density requirements.
- C.** Height.
  - 1. In R, RP, LD, LD-1, and MD the maximum height shall be 2.5 stories or 35' max.
  - 2. In HD and HD-1 the maximum height shall be 3 stories or 50' max.
  - 3. Parking under a structure, if not in a flood zone, counts as a story.
  - 4. In a flood zone, the height of the first floor is measured from the Finished Floor Elevation (FFE) or Base Flood Elevation + 1 foot, whichever is less.

### 17.5.3 Conditional Use Permit Standards

- A.** Dwelling Unit Size: No minimum unit size is required. All units within the development shall have a maximum average size of 1,250 square feet (sf) gross floor area, excluding garages. The maximum building footprint shall be 900 sf per unit, excluding porches and garages, except for age restricted (55+) as defined in RSA 354-A:15, which shall be a maximum of 1,000 sf.
- B.** Parking.
  - 1. A minimum of 1 space per unit is required, or 0.75 per unit if units are designated for workforce housing as defined in Section 20.3.6.C of this LDC or age restricted (55+) occupancy. A maximum of 1 space per bedroom is allowed on site.
  - 2. Parking may be surface spaces or in garages that are part of or separate from the units.
  - 3. Required parking may be offsite if within 500 feet of the furthest unit unless the housing is designated for age restricted (55+).
  - 4. Leases for offsite parking areas, if applicable, must meet the requirements of Article 9, Section 9.2.9, "Remote Parking."
  - 5. Parking, if located between the street and units, shall not be visible from an external road. If the Planning Board approves a landscaped buffer to meet this requirement, the buffer shall, at a minimum, meet the "Parking Lot Screening" standards in Section 9.4.4 of this LDC.
- C.** Building separation. Separation between buildings shall be determined by applicable fire codes.
- D.** Driveways. Driveways providing access to three or more units and drive aisles internal to the site shall have a minimum width of 20' and a maximum width of 24' of paved width if two-way and a minimum of 10' and a maximum of 12' of paved width, with 18' clear width for fire access, if one-way. Where feasible, driveways should incorporate design features that give them the appearance of streets, including sidewalks, street trees, and lighting.
- E.** Internal Roads. New rights of way internal to the development shall meet the standards of Article 23.3, "Design & Construction Standards." However, some new streets may have factors such as limited access or low frequency use that may justify deviations from those standards, including lane widths, street trees, lighting, and sidewalks. Variation from those standards, if deemed appropriate, may be achieved through a waiver process as described in Article 23.



- F. Screening. A 6'-0" tall semi-opaque or opaque fence shall be required if the proposed building type (not density) is more intense than the adjacent building type (e.g., existing single-family home next to proposed town homes). The Planning Board may approve a landscaped buffer that provides similar or greater screening in lieu of a fence.

**17.5.4 Architectural Guidelines**

Projects using this approach should endeavor to “fit in” or be respectful of the context of the surrounding neighborhood. Approval of overall design should be gauged by adherence to the following urban design and architectural principles:

<b>EASIER TO APPROVE</b>	<b>MORE DIFFICULT TO APPROVE</b>
Narrow to the Frontage	Wider to the Frontage
Parking Screened from Frontage	Parking Visible from Frontage Building
Base Differentiated	Building Monolithic
Taller Ceiling Heights	Shorter Ceiling Heights
Natural / Integral Materials	Composite and Cladding
Structural Expression	Surface Expression
Thicker Wall Depth	Thinner Wall Depth
Simple, Clear Massing	Complex Massing
Vertical Fenestration	Horizontal Fenestration
Repetitive Fenestration	Mixed Fenestration
Contextual Materials	Unrelated Materials
Landscaping Unifies	Landscaping is unorganized.

**17.5.5 Conditional Use Permit Application Procedure**

All applications for a cottage court conditional use permit under this Article shall be made to the Planning Board and submitted to the Community Development Department following the procedures set forth in Section 26.14 of this LDC for conditional use permits, as they may be amended, and those listed below.

- A. Concurrent Review.
  1. Site Plan Review. Applications for a cottage court development that include 5 or more dwelling units shall require Major Site Plan review. Where major site plan review is required, no conditional use permit application may be considered complete without a complete major site plan application. Site plan applications will be considered concurrently with the conditional use permit application.
  2. Subdivision Review. Applications for a cottage court development that propose to subdivide land shall require subdivision review. Where subdivision review is required, no conditional use permit application may be considered complete without a complete

subdivision application. Subdivision applications will be considered concurrently with the conditional use permit application.

**B. Submission Requirements**

In addition to the materials required in Section 26.14 for a conditional use permit, an applicant for a cottage court conditional use permit shall submit the following items as part of their application.

**1. A written narrative describing the following:**

- a. The existing and proposed use(s) and development type.
- b. The proposed development or redevelopment including, but not limited to, the construction of new buildings or structures or additions to buildings or structures; interior renovations; installation of parking areas or paved surfaces; open space areas and accessory structures; screening; and landscaping.
- c. The physical and architectural characteristics of the site and the surrounding neighborhood.
- d. An explanation of how the proposed development complies with the Site Development Standards in Article 21. Where conflicts exist between the standards of this Article and the Site Development Standards, the standards of this Article shall apply.
- e. The location of access points for the existing and proposed lots if new lots are proposed.

**2. Projects that propose 10 or more new dwelling units shall provide an analysis of estimated traffic generation associated with the proposed use utilizing the most current edition of the Institute of Transportation Engineers (ITE) Traffic Generation Manual or data provided by a NH licensed traffic engineer.**

- II. That Section 2.1 of Article 2 be amended as follows: “Articles 2 through **18** ~~19~~ of this LDC shall constitute the official Zoning Ordinance for the City of Keene...”
- III. That “Dwelling, Two-Family,” “Neighborhood Grocery Store,” “Office,” “Restaurant,” “Retail Establishment, Light,” “Day Care Center,” and “Community Garden” be allowed uses with a Cottage Court Overlay (CCO) conditional use permit in all residential districts in Article 3, and that Tables 3.1.5, 3.2.5, 3.3.5, 3.4.5, 3.5.5, 3.6.5, 3.7.5, and 8-1 be updated to reflect this change. These commercial uses shall comply with the use standards detailed in Article 17, “Cottage Court Overlay District.”
- IV. That “Dwelling, Two-Family” and “Dwelling, Above Ground Floor” be allowed uses with a CCO conditional use permit in the Rural, Residential Preservation, Low Density 1, and Low Density districts, and that Tables 3.1.5, 3.2.5, 3.3.5, 3.4.5, and 8-1 be updated to reflect this change.
- V. That “Dwelling, Multi-Family” be an allowed use with a CCO conditional use permit in the Low Density 1 and Low Density districts, and that Tables 3.3.5, 3.4.5, and 8-1 be updated to reflect this change. This use shall comply with the use standards detailed in Article 17, “Cottage Court Overlay District.”

VI. That Articles 17 through 28 of the Land Development Code, and all subsections and references thereto, be amended to reflect the addition of a new Article 17, as follows:

- A. Article 17 shall become Article 18
- B. Article 18 shall become Article 19
- C. Article 19 shall become Article 20
- D. Article 20 shall become Article 21
- E. Article 21 shall become Article 22
- F. Article 22 shall become Article 23
- G. Article 23 shall become Article 24
- H. Article 24 shall become Article 25
- I. Article 25 shall become Article 26
- J. Article 26 shall become Article 27
- K. Article 27 shall become Article 28
- L. Article 28 shall become Article 29

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Jay Kahn, Mayor

# ARTICLE 17. COTTAGE COURT OVERLAY DISTRICT CONDITIONAL USE PERMIT

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17.2 APPLICABILITY..... 17-2

17.3 DISTRICT DEFINED ..... 17-2

17.4 PERMITTED USES ..... 17-3

17.5 CONDITIONAL USE PERMIT ..... 17-4

## 17.1 PURPOSE

The purpose of the cottage court overlay district is to:

1. Promote infill development and redevelopment within established neighborhoods that is built at a scale and character consistent with existing development patterns.
2. Encourage efficient use of land and cost-effective delivery of community services.
3. Expand the range of housing choices available to meet the needs of the city's changing demographic trends, including smaller households, young professionals, older adults, and empty nesters.
4. Provide developers and property owners with flexibility to achieve high quality design and develop projects that strengthen existing neighborhoods.
5. Encourage compact development that is pedestrian-scaled, healthy, safe, and affordable.

This purpose shall be accomplished by allowing for innovative site design and clustering of smaller residential units at a higher density within the tract than would be allowed by the underlying zoning district.

## 17.2 APPLICABILITY

### 17.2.1 Generally

All land located within the Cottage Court Overlay (CCO) District, as defined in Section 17.3, is subject to this article.

### 17.2.2 Authority

All proposals for a Cottage Court development shall obtain a conditional use permit issued by the Planning Board in accordance with N.H. RSA 674:21, Innovative Land Use Controls. The conditional use permit shall set forth all conditions of approval and shall clearly list all plans, drawings and other submittals that are part of the approved development.

## 17.3 DISTRICT DEFINED

Cottage Court developments shall be permitted in all Residential Districts (R, RP, LD, LD-1, MD, HD, and HD-1), subject to the provisions of this section. Parcels may be aggregated. Parcel(s) must have both city water and sewer service.

**17.4 PERMITTED USES**

**A.** A cottage court conditional use permit issued by the Planning Board shall be required for the uses listed in Table 17-1 when proposed as part of a cottage court development.

**Table 17-1: Cottage Court Development Permitted Uses**

<b>RESIDENTIAL USES</b>	<b>R</b>	<b>RP</b>	<b>LD-1</b>	<b>LD</b>	<b>MD</b>	<b>HD</b>	<b>HD-1</b>	<b>SECTION</b>
Dwelling, Single Family	P	P	P	P	P	P	P	8.3.1.D
Dwelling, Two Family / Duplex	P	P	P	P	P	P	P	8.3.1.E
Dwelling, Triplex*			P	P	P	P	P	8.3.1.C
Dwelling, Townhome**				P	P	P	P	8.3.1.C
Dwelling, Multi-family						P	P	8.3.1.C
Dwelling, Above Ground Floor	P	P	P	P	P	P	P	8.3.1.A
<b>NON-RESIDENTIAL USES***</b>								<b>SECTION</b>
Neighborhood Grocery Store	P1	P1	P1	P1	P1	P1	P1	8.3.2.U
Office	P1	P1	P1	P1	P1	P1	P1	8.3.2.V
Restaurant	P1	P1	P1	P1	P1	P1	P1	8.3.2.AB
Retail Establishment, Light	P1	P1	P1	P1	P1	P1	P1	8.3.2.AD
Day Care Center	P1	P1	P1	P1	P1	P1	P1	8.3.3.C
Community Garden	P	P	P	P	P	P	P	8.3.6.B

P = Permitted in the CCO P1= Permitted in the CCO with limitations per Section 17.4.B

\*Triplexes fall under the definition for multi-family but in the CCO, the units must be attached horizontally and may not exceed three (3) units in a building.

\*\*Townhomes fall under the definition for multi-family but in the CCO, the units must be attached horizontally and must be between four (4) and six (6) units in a building.

**B. Use Standards:**

- 1.** Commercial Uses (Neighborhood Grocery Store, Office, Restaurant, and Retail Establishment, Light) are allowed as follows:
  - a.** The commercial use must be on the corner of a public right-of-way.
  - b.** The commercial space shall be a maximum of 1,000 square feet.
  - c.** There must be residential uses above the commercial use.

- 2.** Day Care Center (Institutional Use) is an allowed use as follows:
  - a.** The use must be on the ground floor.
  - b.** The use shall be a maximum of 2,000 square feet.
  - c.** There must be residential uses above the day care center.

**C. Uses Accessory to Residential Use**

- a.** Laundry and/or Storage structures for the use of residents are allowed if shown on the site plan prior to approval.

- b. Common Use Buildings with uses customary to support residential uses (kitchen area, meeting area, exercise areas, mail and package delivery, etc.) are allowed if shown on the site plan prior to approval.
  - c. Other structures for the use or enjoyment of the residents such as picnic pavilions, arbors, trellises, mail kiosks, etc. are allowed if shown on the site plan prior to approval.
  - d. Landscape elements for the use or enjoyment of the residents such as fire pits, bocce courts, play equipment, community garden beds, dog walks, picnic areas, sitting areas, and planting areas are allowed uses.
  - e. Attached or Detached Garages are allowed in any district. This use may have units above the structure.
- C. Any Cottage Court development that includes proposals for condominium ownership or an HOA shall comply with all applicable state statutes regulating the condominium form of ownership and HOAs.

### 17.5.2 Dimensional Standards

- A. Minimum Dimensional Standards. All Cottage Court Developments shall meet the minimum dimensional standards specified in Table 17-2. If not specified in Table 17-2 or elsewhere in this Article, the dimensional requirements of the underlying zoning district shall apply.

## 17.5 CONDITIONAL USE PERMIT

### 17.5.1 Development Types Allowed

- A. Projects may be developed on a single parcel of land with either a Property Management Entity, if rental units, or Homeowners Association (HOA) or Condominium Association, if for sale.
- B. Projects may be developed as a subdivision with units on individual lots. The project shall utilize either a Property Management Entity, if rental units, or a Homeowners Association (HOA) or Condominium Association, if for sale.
  - 1. **Buildout.** If lots are subdivided, the maximum building coverage, maximum impervious coverage, and stormwater runoff may be calculated for the overall tract, not individual lots, if open space is permanently protected through deed restrictions, conservation easements, or other means.

**Table 17-2: Dimensional Requirements for Cottage Court Developments**

<b>TRACT</b>	Min tract size		None
	Min tract frontage		30 ft
	Perimeter Building Setback	From external roads	Setbacks from existing roads external to the development may be less than the underlying zoning district in order to match an established building line along the road.
		From other tract boundaries	Shall match that of the underlying zoning district.
<b>LOT</b>	Min Lot Area		None
	Min Road Frontage (internal roads)		26 ft
	Min Lot Width at Building Line		None
	Min Front, Rear, and Side Setback		None

**B. Density.** There are no minimum or maximum density requirements.

**C. Height.**

1. In R, RP, LD, LD-1, and MD the maximum height shall be 2.5 stories or 35' max.
2. In HD and HD-1 the maximum height shall be 3 stories or 50' max.
3. Parking under a structure, if not in a flood zone, counts as a story.
4. In a flood zone, the height of the first floor is measured from the Finished Floor Elevation (FFE) or Base Flood Elevation + 1 foot, whichever is less.

**17.5.3 Conditional Use Permit Standards**

**A. Dwelling Unit Size.** No minimum unit size is required. All units within the development shall have a maximum average size of 1,250 square feet (sf) gross floor area, excluding garages. The maximum building footprint shall be 900 sf per unit, excluding porches and garages, except for age restricted (55+) as defined in RSA 354-A:15, which shall be a maximum of 1,000 sf.

**B. Parking.**

1. A minimum of 1 space per unit is required, or 0.75 per unit if units are designated for workforce housing as defined in Section 20.3.6.C of this LDC or age restricted (55+) occupancy. A maximum of 1 space per bedroom is allowed on site.
2. Parking may be surface spaces or in garages that are part of or separate from the units.
3. Required parking may be offsite if within 500 feet of the furthest unit unless the housing is designated for age restricted (55+).
4. Leases for offsite parking areas, if applicable, must meet the requirements of Article 9, Section 9.2.9, "Remote Parking."
5. Parking, if located between the street and units, shall not be visible from an external road. If the Planning Board approves a landscaped buffer to meet this requirement, the buffer shall, at a minimum, meet the "Parking Lot Screening" standards in Section 9.4.4 of this LDC.

**C. Building Separation.** Separation between buildings shall be determined by applicable fire codes.



- D. Driveways.** Driveways providing access to three or more units and drive aisles internal to the site shall have a minimum width of 20' and a maximum width of 24' of paved width if two-way and a minimum of 10' and a maximum of 12' of paved width, with 18' clear width for fire access, if one-way. Where feasible, driveways should incorporate design features that give them the appearance of streets, including sidewalks, street trees, and lighting.
- E. Internal Roads.** New rights of way internal to the development shall meet the standards of Article 23.3, "Design & Construction Standards." However, some new streets may have factors such as limited access or low frequency use that may justify deviations from those standards, including lane widths, street trees, lighting, and sidewalks. Variation from those standards, if deemed appropriate, may be achieved through a waiver process as described in Article 23.
- F. Screening.** A 6'-0" tall semi-opaque or opaque fence shall be required if the proposed building type (not density) is more intense than the adjacent building type (e.g., existing single-family home next to proposed town homes). The Planning Board may approve a landscaped buffer that provides similar or greater screening in lieu of a fence.

**17.5.4 Architectural Guidelines**

Projects using this approach should endeavor to “fit in” or be respectful of the context of the surrounding neighborhood. Approval of overall design should be gauged by adherence to the following urban design and architectural principles:

**EASIER TO APPROVE**

- Narrow to the Frontage
- Parking Screened from Frontage
- Base Differentiated
- Taller Ceiling Heights
- Natural / Integral Materials
- Structural Expression
- Thicker Wall Depth
- Simple, Clear Massing
- Vertical Fenestration
- Repetitive Fenestration
- Contextual Materials
- Landscaping Unifies

**MORE DIFFICULT TO APPROVE**

- Wider to the Frontage
- Parking Visible from Frontage Building
- Building Monolithic
- Shorter Ceiling Heights
- Composite and Cladding
- Surface Expression
- Thinner Wall Depth
- Complex Massing
- Horizontal Fenestration
- Mixed Fenestration
- Unrelated Materials
- Landscaping is unorganized

**17.5.5 Conditional Use Permit Application Procedure**

All applications for a cottage court conditional use permit under this Article shall be made to the Planning Board and submitted to the Community Development Department following the procedures set forth in Section 26.14 of this LDC for conditional use permits, as they may be amended, and those listed below.

**A. Concurrent Review**

- 1. Site Plan Review.** Applications for a cottage court development that include 5 or more dwelling units shall require Major Site Plan review. Where major site plan review is required, no conditional use permit application may be considered complete without a complete major site plan application. Site plan applications will be considered concurrently with the conditional use permit application.
- 2. Subdivision Review.** Applications for a cottage court development that propose to subdivide land shall require subdivision review. Where subdivision review is required, no conditional use permit application may be considered complete without a complete subdivision application. Subdivision applications will be considered concurrently with the conditional use permit application.

**B. Submission Requirements**

In addition to the materials required in Section 26.14 for a conditional use permit, an applicant for a cottage court conditional use permit shall submit the following items as part of their application.

- 1. A written narrative describing the following:**
  - a.** The existing and proposed use(s) and development type.
  - b.** The proposed development or redevelopment including, but not limited to, the construction of new buildings or structures or additions to buildings

or structures; interior renovations; installation of parking areas or paved surfaces; open space areas and accessory structures; screening; and landscaping.

- c.** The physical and architectural characteristics of the site and the surrounding neighborhood.
  - d.** An explanation of how the proposed development complies with the Site Development Standards in Article 21. Where conflicts exist between the standards of this Article and the Site Development Standards, the standards of this Article shall apply.
  - e.** The location of access points for the existing and proposed lots if new lots are proposed.
- 2.** Projects that propose 10 or more new dwelling units shall provide an analysis of estimated traffic generation associated with the proposed use utilizing the most current edition of the Institute of Transportation Engineers (ITE) Traffic Generation Manual or data provided by a NH licensed traffic engineer.

# ARTICLE 3. RESIDENTIAL ZONING DISTRICTS

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### 3.1 RURAL (R)

#### 3.1.1 Purpose

The Rural (R) District is intended to provide for areas of very low density development, predominantly of a residential or agricultural nature. These areas are generally outside of the valley floor, beyond where city water, sewer and other city services can be readily supplied.

#### 3.1.2 Dimensions & Siting

<b>Min Lot Area</b>	2 acres
<b>Min Lot Width at Building Line</b>	200 ft
<b>Min Road Frontage</b>	50 ft
<b>Min Front Setback</b>	50 ft
<b>Min Rear Setback</b>	50 ft
<b>Min Side Setback</b>	50 ft

#### 3.1.3 Buildout

<b>Max Building Coverage</b>	10%
<b>Max Impervious Coverage</b>	20%

#### 3.1.4 Height

<b>Max Stories Above Grade</b>	2
<b>Max Building Height</b>	35 ft

### 3.1.5 Permitted Uses

RESIDENTIAL USES		SECTION
Dwelling, Manufactured Housing	P <sup>1</sup>	8.3.1.B
Dwelling, Single-Family	P	8.3.1.D
Dwelling, Two-Family	CRD, <b>CUP</b>	8.3.1.E
Dwelling, Multifamily	CRD	8.3.1.C
<b>Dwelling, Above Ground Floor</b>	<b>CUP</b>	<b>8.3.1.A</b>
Manufactured Housing Park	P	8.3.1.F
COMMERCIAL USES		SECTION
Animal Care Facility	P	8.3.2.B
Bed and Breakfast	SE	8.3.2.G
Greenhouse / Nursery	P	8.3.2.L
Kennel	P	8.3.2.P
<b>Neighborhood Grocery Store</b>	<b>CUP</b>	<b>8.3.2.U</b>
<b>Office</b>	<b>CUP</b>	<b>8.3.2.V</b>
<b>Restaurant</b>	<b>CUP</b>	<b>8.3.2.AB</b>
<b>Retail Establishment, Light</b>	<b>CUP</b>	<b>8.3.2.AD</b>
INSTITUTIONAL USES		SECTION
<b>Day Care Center</b>	<b>CUP</b>	<b>8.3.3.C</b>
CONGREGATE LIVING / SOCIAL SERVICES USES		SECTION
Group Home, Small	CUP	8.3.4.F
OPEN SPACE USES		SECTION
Cemetery	P	8.3.6.A
Community Garden	P	8.3.6.B
Conservation Area	P	8.3.6.C
Farming	P	8.3.6.D
Golf Course	P <sup>1</sup>	8.3.6.E
Gravel Pit	SE	8.3.6.F
INFRASTRUCTURE USES		SECTION
Solar Energy System (Small-Scale)	P <sup>1</sup>	8.3.7.A
Solar Energy System (Medium-Scale)	CUP	8.3.7.B
Solar Energy System (Large-Scale)	CUP	8.3.7.C
Telecommunications Facilities	P <sup>1</sup>	8.3.7.E

P = Permitted  
P<sup>1</sup> = Permitted with limitations per Article 8.  
SE = Permitted by Special Exception  
CUP = Permitted by Conditional Use Permit  
CRD = Permitted by Conservation Residential Development

## 3.2 RESIDENTIAL PRESERVATION (RP)

### 3.2.1 Purpose

The Residential Preservation (RP) District is intended to return this area of the City to neighborhoods composed predominantly of moderately dense single-family residential development. This district serves as an additional downtown zoning district that promotes pedestrian-scale development, walkability, bikeability, and urban green space where possible. All uses in this district shall have city water and sewer service.

### 3.2.2 Dimensions & Siting

<b>Min Lot Area</b>	8,000 sf
<b>Min Lot Width at Building Line</b>	60 ft
<b>Min Road Frontage</b>	50 ft
<b>Min Front Setback</b>	15 ft
<b>Min Rear Setback</b>	20 ft
<b>Min Side Setback</b>	10 ft

### 3.2.3 Buildout

<b>Max Building Coverage</b>	35%
<b>Max Impervious Coverage</b>	45%
<b>Min Green / Open Space</b>	55%

### 3.2.4 Height

<b>Max Stories Above Grade</b>	2
<b>Max Building Height</b>	35 ft

## 3.2.5 Permitted Uses

RESIDENTIAL USES		SECTION
Dwelling, Single-Family	P	8.3.1.D
<b>Dwelling, Two-Family</b>	<b>CUP</b>	<b>8.3.1.E</b>
<b>Dwelling, Above Ground Floor</b>	<b>CUP</b>	<b>8.3.1.A</b>
COMMERCIAL USES		SECTION
Bed and Breakfast	SE	8.3.2.G
<b>Neighborhood Grocery Store</b>	<b>CUP</b>	<b>8.3.2.U</b>
<b>Office</b>	<b>CUP</b>	<b>8.3.2.V</b>
<b>Restaurant</b>	<b>CUP</b>	<b>8.3.2.AB</b>
<b>Retail Establishment, Light</b>	<b>CUP</b>	<b>8.3.2.AD</b>
INSTITUTIONAL USES		SECTION
<b>Day Care Center</b>	<b>CUP</b>	<b>8.3.3.C</b>
CONGREGATE LIVING / SOCIAL SERVICES USES		SECTION
Group Home, Small	CUP	8.3.4.F
OPEN SPACE USES		SECTION
Community Garden	P	8.3.6.B
Conservation Area	P	8.3.6.C
INFRASTRUCTURE USES		SECTION
Telecommunications Facilities	P <sup>1</sup>	8.3.7.E

P = Permitted  
P<sup>1</sup> = Permitted with limitations per Article 8.  
SE = Permitted by Special Exception  
CUP = Permitted by Conditional Use Permit

### 3.3 LOW DENSITY (LD)

#### 3.3.1 Purpose

The Low Density (LD) District is intended to provide for low-intensity single-family residential development. All uses in this district shall have city water and sewer service.

#### 3.3.2 Dimensions & Siting

Min Lot Area	10,000 sf
Min Lot Width at Building Line	70 ft
Min Road Frontage	60 ft
Min Front Setback	15 ft
Min Rear Setback	20 ft
Min Side Setback	10 ft

#### 3.3.3 Buildout

Max Building Coverage	35%
Max Impervious Coverage	45%
Min Green / Open Space	55%

#### 3.3.4 Height

Max Stories Above Grade	2
Max Building Height	35 ft

### 3.3.5 Permitted Uses

RESIDENTIAL USES		SECTION
Dwelling, Single-Family	P	8.3.1.D
Dwelling, Two-Family	CRD, CUP	8.3.1.E
Dwelling, Multifamily	CRD, CUP	8.3.1.C
Dwelling, Above Ground Floor	CUP	8.3.1.A
COMMERCIAL USES		SECTION
Neighborhood Grocery Store	CUP	8.3.2.U
Office	CUP	8.3.2.V
Restaurant	CUP	8.3.2.AB
Retail Establishment, Light	CUP	8.3.2.AD
INSTITUTIONAL USES		SECTION
Day Care Center	CUP	8.3.3.C
CONGREGATE LIVING / SOCIAL SERVICES USES		SECTION
Group Home, Small	CUP	8.3.4.F
OPEN SPACE USES		SECTION
Community Garden	P	8.3.6.B
Conservation Area	P	8.3.6.C
INFRASTRUCTURE USES		SECTION
Telecommunications Facilities	P <sup>1</sup>	8.3.7.E

P = Permitted  
P<sup>1</sup> = Permitted with limitations per Article 8.  
CUP = Permitted by Conditional Use Permit  
CRD = Permitted by Conservation Residential Development

### 3.4 LOW DENSITY 1 (LD-1)

#### 3.4.1 Purpose

The Low Density 1 (LD-1) District is intended to provide for low intensity residential development, which is primarily detached single-family dwellings on lots of 1-acre or larger in areas on the outer edge of available city water and sewer service. All uses in this district shall have city sewer. City water is required if sufficient volume and pressure is available as determined by the Public Works Department.

#### 3.4.2 Dimensions & Siting

##### Lots Without City Water Service

<b>Min Lot Area</b>	1 acre
<b>Min Lot Width at Building Line</b>	75 ft
<b>Min Road Frontage</b>	100 ft
<b>Min Road Frontage</b> (For lots fronting on a cul-de-sac)	60 ft
<b>Min Front Setback</b>	15 ft
<b>Min Rear Setback</b>	20 ft
<b>Min Side Setback</b>	10 ft

##### Lots With City Water Service

<b>Min Lot Area</b>	20,000 sf
<b>Min Lot Width at Building Line</b>	75 ft
<b>Min Road Frontage</b>	75 ft
<b>Min Road Frontage</b> (For lots fronting on a cul-de-sac)	60 ft
<b>Min Front Setback</b>	15 ft
<b>Min Rear Setback</b>	20 ft
<b>Min Side Setback</b>	10 ft

#### 3.4.3 Buildout

<b>Max Building Coverage</b>	30%
<b>Max Impervious Coverage</b>	35%
<b>Min Green / Open Space</b>	65%

#### 3.4.4 Height

<b>Max Stories Above Grade</b>	2
<b>Max Building Height</b>	35 ft

### 3.4.5 Permitted Uses

RESIDENTIAL USES		SECTION
Dwelling, Single-Family	P	8.3.1.D
Dwelling, Two-Family	CRD, CUP	8.3.1.E
Dwelling, Multifamily	CRD, CUP	8.3.1.C
<b>Dwelling, Above Ground Floor</b>	<b>CUP</b>	<b>8.3.1.A</b>
COMMERCIAL USES		SECTION
<b>Neighborhood Grocery Store</b>	<b>CUP</b>	<b>8.3.2.U</b>
<b>Office</b>	<b>CUP</b>	<b>8.3.2.V</b>
<b>Restaurant</b>	<b>CUP</b>	<b>8.3.2.AB</b>
<b>Retail Establishment, Light</b>	<b>CUP</b>	<b>8.3.2.AD</b>
INSTITUTIONAL USES		SECTION
<b>Day Care Center</b>	<b>CUP</b>	<b>8.3.3.C</b>
CONGREGATE LIVING / SOCIAL SERVICES USES		SECTION
Group Home, Small	CUP	8.3.4.F
OPEN SPACE USES		SECTION
Community Garden	P	8.3.6.B
Conservation Area	P	8.3.6.C
INFRASTRUCTURE USES		SECTION
Telecommunications Facilities	P <sup>1</sup>	8.3.7.E

P = Permitted  
P<sup>1</sup> = Permitted with limitations per Article 8.  
CUP = Permitted by Conditional Use Permit  
CRD = Permitted by Conservation Residential Development



### 3.5 MEDIUM DENSITY (MD)

#### 3.5.1 Purpose

The Medium Density (MD) District is intended to provide for medium intensity residential development and associated uses. All uses in this district shall have city water and sewer service.

#### 3.5.2 Dimensions & Siting

<b>Min Lot Area</b>	8,000 sf
Min lot area for single dwelling unit	8,000 sf
Min lot area for each additional dwelling unit	5,400 sf
<b>Min Lot Width at Building Line</b>	60 ft
<b>Min Road Frontage</b>	50 ft
<b>Min Front Setback</b>	15 ft
<b>Min Rear Setback</b>	15 ft
<b>Min Side Setback</b>	10 ft

#### 3.5.3 Buildout

<b>Max Building Coverage</b>	45%
<b>Max Impervious Coverage</b>	60%
<b>Min Green / Open Space</b>	40%

#### 3.5.4 Height

<b>Max Stories Above Grade</b>	2
<b>Max Building Height</b>	35 ft

#### 3.5.5 Permitted Uses

RESIDENTIAL USES		SECTION
Dwelling, Above Ground Floor	P	8.3.1.A
Dwelling, Multifamily	P <sup>1</sup>	8.3.1.C
Dwelling, Single-Family	P	8.3.1.D
Dwelling, Two-Family / Duplex	P	8.3.1.E
COMMERCIAL USES		SECTION
<b>Neighborhood Grocery Store</b>	<b>CUP</b>	<b>8.3.2.U</b>
<b>Office</b>	<b>CUP</b>	<b>8.3.2.V</b>
<b>Restaurant</b>	<b>CUP</b>	<b>8.3.2.AB</b>
<b>Retail Establishment, Light</b>	<b>CUP</b>	<b>8.3.2.AD</b>
INSTITUTIONAL USES		SECTION
<b>Day Care Center</b>	<b>CUP</b>	<b>8.3.3.C</b>
CONGREGATE LIVING / SOCIAL SERVICES USES		SECTION
Domestic Violence Shelter	P <sup>1</sup>	8.3.4.A
Group Home, Small	CUP	8.3.4.F
OPEN SPACE USES		SECTION
Community Garden	P	8.3.6.B
Conservation Area	P	8.3.6.C
INFRASTRUCTURE USES		SECTION
Telecommunications Facilities	P <sup>1</sup>	8.3.7.E

P = Permitted  
P<sup>1</sup> = Permitted with limitations per Article 8.  
CUP = Permitted by Conditional Use Permit

### 3.6 HIGH DENSITY (HD)

#### 3.6.1 Purpose

The High Density (HD) District is intended to provide for high intensity residential development and associated uses. All uses in this district shall have city water and sewer service.

#### 3.6.2 Dimensions & Siting

<b>Min Lot Area</b>	6,000 sf
Min lot area for single dwelling unit	6,000 sf
Min lot area for each additional dwelling unit	5,000 sf
<b>Min Lot Width at Building Line</b>	50 ft
<b>Min Road Frontage</b>	50 ft
<b>Min Front Setback</b>	15 ft
<b>Min Rear Setback</b>	15 ft
<b>Min Side Setback</b>	10 ft

#### 3.6.3 Buildout

<b>Max Building Coverage</b>	55%
<b>Max Impervious Coverage</b>	75%
<b>Min Green / Open Space</b>	25%

#### 3.6.4 Height

<b>Max Stories Above Grade</b>	2
<b>Max Building Height</b>	35 ft

### 3.6.5 Permitted Uses

RESIDENTIAL USES		SECTION
Dwelling, Above Ground Floor	P	8.3.1.A
Dwelling, Multifamily	P	8.3.1.C
Dwelling, Single-Family	P	8.3.1.D
Dwelling, Two-Family / Duplex	P	8.3.1.E
COMMERCIAL USES		SECTION
Bed and Breakfast	SE	8.3.2.G
Neighborhood Grocery Store	SE, CUP	8.3.2.U
<b>Office</b>	<b>CUP</b>	<b>8.3.2.V</b>
<b>Restaurant</b>	<b>CUP</b>	<b>8.3.2.AB</b>
<b>Retail Establishment, Light</b>	<b>CUP</b>	<b>8.3.2.AD</b>
INSTITUTIONAL USES		SECTION
<b>Day Care Center</b>	<b>CUP</b>	<b>8.3.3.C</b>
Senior Center	SE	8.3.3.G
CONGREGATE LIVING / SOCIAL SERVICES USES		SECTION
Domestic Violence Shelter	P <sup>1</sup>	8.3.4.A
Group Home, Large	CUP	8.3.4.E
Group Home, Small	CUP	8.3.4.F
Lodginghouse	CUP	8.3.4.I
Residential Care Facility	CUP	8.3.4.J
OPEN SPACE USES		SECTION
Community Garden	P	8.3.6.B
Conservation Area	P	8.3.6.C
INFRASTRUCTURE USES		SECTION
Telecommunications Facilities	P <sup>1</sup>	8.3.7.E

P = Permitted  
P<sup>1</sup> = Permitted with limitations per Article 8.  
SE = Permitted by Special Exception  
CUP = Permitted by Conditional Use Permit

### 3.7 HIGH DENSITY 1 (HD-1)

#### 3.7.1 Purpose

- A. The High Density 1 (HD-1) District is intended to provide for high intensity residential development. All uses in this district shall have city water and sewer service.
- B. Lots in this district shall have frontage on the following list of street locations, and all vehicle access, except for gated emergency access, shall be from the following streets.
1. Court St (on the west side from Westview St to Maple Ave, and on the east side from Evergreen Ave to Maple Ave)
  2. Maple Ave
  3. Marlboro St (from Main St to Eastern Ave)
  4. Park Ave
  5. Washington St
  6. West St (from Central Square to Park Ave)
  7. Winchester St

#### 3.7.2 Dimensions & Siting

<b>Min Lot Area</b>	2 acres
Min lot area per dwelling unit	3,000 sf
<b>Min Lot Width at Building Line</b>	150 ft
<b>Min Road Frontage</b>	50 ft
<b>Min Front Setback</b>	50 ft
<b>Min Rear Setback</b>	50 ft
Min rear setback for 3-story building	50 ft
<b>Min Side Setback</b>	50 ft
Min side setback for 3-story building	50 ft

#### 3.7.3 Buildout

<b>Max Building Coverage</b>	55%
<b>Max Impervious Coverage</b>	75%
<b>Min Green / Open Space</b>	25%

#### 3.7.4 Height

<b>Max Stories Above Grade</b>	3
<b>Max Building Height</b>	50 ft

#### 3.7.5 Permitted Uses

RESIDENTIAL USES		SECTION
Dwelling, Above Ground Floor	P	8.3.1.A
Dwelling, Multifamily	P	8.3.1.C
Dwelling, Single-Family	P	8.3.1.D
Dwelling, Two-Family / Duplex	P	8.3.1.E
COMMERCIAL USES		SECTION
Bed and Breakfast	SE	8.3.2.G
<b>Neighborhood Grocery Store</b>	<b>CUP</b>	<b>8.3.2.U</b>
<b>Office</b>	<b>CUP</b>	<b>8.3.2.V</b>
<b>Restaurant</b>	<b>CUP</b>	<b>8.3.2.AB</b>
<b>Retail Establishment, Light</b>	<b>CUP</b>	<b>8.3.2.AD</b>
INSTITUTIONAL USES		SECTION
<b>Day Care Center</b>	<b>CUP</b>	<b>8.3.3.C</b>
CONGREGATE LIVING / SOCIAL SERVICES USES		SECTION
Group Home, Large	CUP	8.3.4.E
Group Home, Small	CUP	8.3.4.F
Residential Care Facility	CUP	8.3.4.J
OPEN SPACE USES		SECTION
Community Garden	P	8.3.6.B
Conservation Area	P	8.3.6.C
INFRASTRUCTURE USES		SECTION
Telecommunications Facilities	P <sup>1</sup>	8.3.7.E

P = Permitted  
P<sup>1</sup> = Permitted with limitations per Article 8.  
SE = Permitted by Special Exception  
CUP = Permitted by Conditional Use Permit

## 2.1 TITLE

Articles 2 through ~~18~~ 19 of this LDC shall constitute the official Zoning Ordinance for the City of Keene, as may be amended, in accordance with state law. For the purposes of this LDC, the Zoning Ordinance, shall be referred to as the Zoning Regulations.

## 2.2 AUTHORITY

It shall be the authority of the City Council to adopt or amend the Zoning Regulations, including amendments to the official Zoning Map in accordance with Article 25.3 of this LDC. The Zoning Administrator shall have the authority to administer and make interpretations of the Zoning Regulations.

## 2.3 ESTABLISHMENT OF DISTRICTS

In order to carry out the purpose and intent of these Zoning Regulations and this LDC, the City of Keene is divided into the zoning districts in Table 2-1.

## 2.4 ZONING MAP

### 2.4.1 Official Zoning Map

The location and boundaries of zoning districts established in these Zoning Regulations are shown and maintained upon the map entitled "1977 Amended Zoning Map of the City of Keene," as may be amended, filed in the office of the City of Keene Clerk. This map, including all the boundary lines and designations thereon, is hereby made a part of these Zoning Regulations and this LDC, and may be referred to as the "Zoning Map."

Table 2-1: City of Keene Zoning Districts

Residential Districts		
R	Rural	Sec. 3.1
RP	Residential Preservation	Sec. 3.2
LD	Low Density	Sec. 3.3
LD-1	Low Density 1	Sec. 3.4
MD	Medium Density	Sec. 3.5
HD	High Density	Sec. 3.6
HD-1	High Density 1	Sec. 3.7
Downtown Districts		
DT-C	Downtown Core	Sec. 4.2
DT-G	Downtown Growth	Sec. 4.3
DT-L	Downtown Limited	Sec. 4.4
DT-E	Downtown Edge	Sec. 4.5
DT-T	Downtown Transition	Sec. 4.6
DT-I	Downtown Institutional Campus	Sec. 4.7
Commercial Districts		
COM	Commerce	Sec. 5.1
CL	Commerce Limited	Sec. 5.2
NB	Neighborhood Business	Sec. 5.3
BGR	Business, Growth & Reuse	Sec. 5.4
O	Office	Sec. 5.5
Industrial Districts		
CP	Corporate Park	Sec. 6.1
I	Industrial	Sec. 6.2
IP	Industrial Park	Sec. 6.3
Special Purpose Districts		
HC	Health Care	Sec. 7.1
A	Agriculture	Sec. 7.2
C	Conservation	Sec. 7.3

**TABLE 8-1: PERMITTED PRINCIPAL USES BY ZONING DISTRICT**

P = Permitted P<sup>1</sup> = Permitted with limitations per Article 8 SE = Permitted by Special Exception CUP = Permitted by Conditional Use Permit CRD = Permitted by Conservation Residential Development - = Not Permitted

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RESIDENTIAL USES	R	RP	LD	LD-1	MD	HD	HD-1	DT-C	DT-G	DT-E	DT-L	DT-T	DT-I	COM	CL	BGR	NB	O	CP	I	IP	HC	A	C	
Dwelling, Above Ground Floor	CUP	CUP	CUP	CUP	P	P	P	P	P	P	P	P	P	-	-	P	P	P	-	-	-	-	P	-	8.3.1.A
Dwelling, Manufactured Housing	P <sup>1</sup>	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	8.3.1.B
Dwelling, Multifamily	CRD	-	CRD, CUP	CRD, CUP	P <sup>1</sup>	P	P	P <sup>1</sup>	P P <sup>1</sup>	P	P	P	-	P <sup>1</sup>	-	P	P	P	-	-	-	-	-	-	8.3.1.C
Dwelling, Single-Family	P	P	P	P	P	P	P	-	-	-	-	P	-	-	-	-	P	P	-	-	-	-	P	-	8.3.1.D
Dwelling, Two-Family / Duplex	CRD, CUP	CUP	CRD, CUP	CRD, CUP	P	P	P	-	-	P	P	P	-	-	-	-	P	P	-	-	-	-	SE	-	8.3.1.E
Manufactured Housing Park	P	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	8.3.1.F
COMMERCIAL USES	R	RP	LD	LD-1	MD	HD	HD-1	DT-C	DT-G	DT-E	DT-L	DT-T	DT-I	COM	CL	BGR	NB	O	CP	I	IP	HC	A	C	
Agricultural-Related Educational & Recreational Activity as a Business	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P <sup>1</sup>	-	8.3.2.A
Animal Care Facility	P	-	-	-	-	-	-	-	P	P	P	-	-	P	P	-	-	-	-	-	-	-	P	-	8.3.2.B
Art Gallery	-	-	-	-	-	-	-	P	P	P	P	-	P	P	P	P	P	-	-	-	-	-	-	-	8.3.2.C
Art or Fitness Studio	-	-	-	-	-	-	-	P	P	P	P	-	P	P	P	P	P	-	-	P	-	-	-	-	8.3.2.D
Banking or Lending Institution	-	-	-	-	-	-	-	P	P	P	P	-	P	P	P	-	P	-	-	-	-	-	-	-	8.3.2.E
Bar	-	-	-	-	-	-	-	P	P	-	-	-	-	P	P	-	-	-	-	-	-	-	-	-	8.3.2.F
Bed and Breakfast	SE	SE	-	-	-	SE	SE	-	-	-	-	P <sup>1</sup>	-	-	-	P <sup>1</sup>	SE	P <sup>1</sup>	-	-	-	-	SE	-	8.3.2.G
Car Wash	-	-	-	-	-	-	-	-	-	SE	-	-	-	P	P	-	-	-	-	P	-	-	-	-	8.3.2.H
Clinic	-	-	-	-	-	-	-	P	P	P	P	-	P	P	P	-	-	-	-	-	-	P	-	-	8.3.2.I
Event Venue	-	-	-	-	-	-	-	-	P	-	-	-	P	P	-	-	-	-	-	-	-	-	SE	-	8.3.2.J
Funeral Home	-	-	-	-	-	-	-	-	P	P	P	P	-	P	P	-	P	P	-	-	-	-	-	-	8.3.2.K
Greenhouse / Nursery	P	-	-	-	-	-	-	-	-	-	-	-	-	P	P	P	-	-	-	P	-	-	P	-	8.3.2.L
Health Center / Gym	-	-	-	-	-	-	-	P	P	P	P	-	P	P	P	P	-	-	-	P	-	P	-	-	8.3.2.M
Heavy Rental & Service Establishment	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P	-	-	-	-	P	-	-	-	-	8.3.2.N
Hotel/Motel	-	-	-	-	-	-	-	P	P	-	-	-	P	P	-	-	-	-	-	-	-	-	-	-	8.3.2.O
Kennel	P	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P	-	8.3.2.P
Micro-Brewery/Micro-Distillery/Micro-Winery	-	-	-	-	-	-	-	P	P	-	-	-	-	P	P	-	-	-	-	-	-	-	-	-	8.3.2.Q-S
Motor Vehicle Dealership	-	-	-	-	-	-	-	-	-	P	-	-	-	P	P	-	-	-	-	-	-	-	-	-	8.3.2.T
Neighborhood Grocery Store	CUP	CUP	CUP	CUP	CUP	SE, CUP	CUP	P	P	P	P	-	-	P	-	P	P	-	-	-	-	-	-	-	8.3.2.U
Office	CUP	CUP	CUP	CUP	CUP	CUP	CUP	P	P	P	P	P	P	P	P	P <sup>1</sup>	P <sup>1</sup>	P	P <sup>1</sup>	SE	SE	P	-	-	8.3.2.V
Personal Service Establishment	-	-	-	-	-	-	-	P	P	P	P	-	P	P	P	P	P	-	-	-	-	P	-	-	8.3.2.W
Private Club / Lodge	-	-	-	-	-	-	-	P	P	P	P	SE	-	P	P	-	-	SE	-	-	-	-	-	-	8.3.2.X
Recreation/Entertainment Facility - Indoor	-	-	-	-	-	-	-	P	P	-	-	-	P	P	P	P	-	-	-	-	-	-	-	-	8.3.2.Y
Recreation/Entertainment Facility - Outdoor	-	-	-	-	-	-	-	-	P	-	-	-	P	P	P	-	-	-	-	-	-	-	SE	-	8.3.2.Z
Research and Development	-	-	-	-	-	-	-	SE	P	-	-	-	P	P	P	P	-	-	P	P	P	P	-	-	8.3.2.AA
Restaurant	CUP	CUP	CUP	CUP	CUP	CUP	CUP	P	P	P	P	-	P	P	P	P <sup>1</sup>	P <sup>1</sup>	-	-	-	-	-	-	-	8.3.2.AB
Retail Establishment, Heavy	-	-	-	-	-	-	-	-	-	-	-	-	-	P	P	-	-	-	-	-	-	-	-	-	8.3.2.AC
Retail Establishment, Light	CUP	CUP	CUP	CUP	CUP	CUP	CUP	P	P	P	P	-	P	P	P	-	P <sup>1</sup>	-	-	-	-	P	-	-	8.3.2.AD
Self Storage Facility - Exterior Access	-	-	-	-	-	-	-	-	-	-	-	-	-	P	P	-	-	-	-	P	-	-	-	-	8.3.2.AE
Self Storage Facility - Interior Access	-	-	-	-	-	-	-	-	SE	P	-	-	-	P	P	-	-	-	-	P	-	-	-	-	8.3.2.AF
Sexually Oriented Business	-	-	-	-	-	-	-	-	-	-	-	-	-	P <sup>1</sup>	-	-	-	-	-	-	-	-	-	-	8.3.2.AG

**TABLE 8-1: PERMITTED PRINCIPAL USES BY ZONING DISTRICT**

P = Permitted P<sup>1</sup> = Permitted with limitations per Article 8 SE = Permitted by Special Exception CUP = Permitted by Conditional Use Permit CRD = Permitted by Conservation Residential Development - = Not Permitted

**Use Definition  
& Standards  
Section #**

	R	RP	LD	LD-1	MD	HD	HD-1	DT-C	DT-G	DT-E	DT-L	DT-T	DT-I	COM	CL	BGR	NB	O	CP	I	IP	HC	A	C		
Specialty Food Service	-	-	-	-	-	-	-	P	P	P	P	-	P	P	P	P	P	-	-	-	-	-	-	-	8.3.2.AH	
Vehicle Fueling Station	-	-	-	-	-	-	-	-	-	-	-	-	-	P <sup>1</sup>	P <sup>1</sup>	-	-	-	-	-	-	-	-	-	8.3.2.AI	
Vehicle Rental Service	-	-	-	-	-	-	-	-	-	-	-	-	-	P	P	-	-	-	-	-	-	-	-	-	8.3.2.AJ	
Vehicle Repair Facility – Major	-	-	-	-	-	-	-	-	-	-	-	-	-	P <sup>1</sup>	P <sup>1</sup>	-	-	-	-	P <sup>1</sup>	-	-	-	-	8.3.2.AK	
Vehicle Repair Facility – Minor	-	-	-	-	-	-	-	-	P <sup>1</sup>	P <sup>1</sup>	-	-	-	P <sup>1</sup>	P <sup>1</sup>	-	-	-	-	P <sup>1</sup>	-	-	-	-	8.3.2.AL	
<b>INSTITUTIONAL USES (See Article 8.2 for additional use locations)</b>	<b>R</b>	<b>RP</b>	<b>LD</b>	<b>LD-1</b>	<b>MD</b>	<b>HD</b>	<b>HD-1</b>	<b>DT-C</b>	<b>DT-G</b>	<b>DT-E</b>	<b>DT-L</b>	<b>DT-T</b>	<b>DT-I</b>	<b>COM</b>	<b>CL</b>	<b>BGR</b>	<b>NB</b>	<b>O</b>	<b>CP</b>	<b>I</b>	<b>IP</b>	<b>HC</b>	<b>A</b>	<b>C</b>		
Community Center	-	-	-	-	-	-	-	P <sup>1</sup>	P <sup>1</sup>	P <sup>1</sup>	P <sup>1</sup>	SE	P <sup>1</sup>	P <sup>1</sup>	-	SE	-	SE	-	-	-	-	-	-	8.3.3.A	
Cultural Facility	-	-	-	-	-	-	-	P <sup>1</sup>	P <sup>1</sup>	P <sup>1</sup>	P <sup>1</sup>	SE	P <sup>1</sup>	P <sup>1</sup>	-	P <sup>1</sup>	-	SE	-	-	-	-	-	-	8.3.3.B	
Day Care Center	CUP	CUP	CUP	CUP	CUP	CUP	CUP	P	P	P	SE	SE	P	P	P	P	SE	SE	P	SE	P	P	-	-	8.3.3.C	
Hospital	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P <sup>1</sup>	-	-	8.3.3.D	
Place of Worship	-	-	-	-	-	-	-	P <sup>1</sup>	P <sup>1</sup>	P <sup>1</sup>	P <sup>1</sup>	-	P <sup>1</sup>	P <sup>1</sup>	-	-	-	-	-	-	-	-	-	-	8.3.3.E	
Private School	-	-	-	-	-	-	-	P <sup>1</sup>	P <sup>1</sup>	P <sup>1</sup>	-	-	P <sup>1</sup>	P <sup>1</sup>	-	P <sup>1</sup>	-	-	-	-	-	-	-	-	8.3.3.F	
Senior Center	-	-	-	-	-	SE	-	P <sup>1</sup>	P <sup>1</sup>	P <sup>1</sup>	P <sup>1</sup>	SE	-	P <sup>1</sup>	-	SE	-	SE	-	-	-	-	-	-	8.3.3.G	
<b>CONGREGATE LIVING &amp; SOCIAL SERVICE USES</b>	<b>R</b>	<b>RP</b>	<b>LD</b>	<b>LD-1</b>	<b>MD</b>	<b>HD</b>	<b>HD-1</b>	<b>DT-C</b>	<b>DT-G</b>	<b>DT-E</b>	<b>DT-L</b>	<b>DT-T</b>	<b>DT-I</b>	<b>COM</b>	<b>CL</b>	<b>BGR</b>	<b>NB</b>	<b>O</b>	<b>CP</b>	<b>I</b>	<b>IP</b>	<b>HC</b>	<b>A</b>	<b>C</b>		
Domestic Violence Shelter	-	-	-	-	P <sup>1</sup>	P <sup>1</sup>	-	P <sup>1</sup>	P <sup>1</sup>	P <sup>1</sup>	P <sup>1</sup>	-	-	P <sup>1</sup>	-	-	-	-	-	-	-	-	-	-	8.3.4.A	
Drug Treatment Clinic	-	-	-	-	-	-	-	-	CUP	-	-	-	-	CUP	-	-	-	-	-	-	-	-	CUP	-	-	8.3.4.B
Fraternity/Sorority	-	-	-	-	-	-	-	-	-	-	-	-	-	CUP	-	-	-	-	-	-	-	-	-	-	-	8.3.4.C
Food Pantry	-	-	-	-	-	-	-	P	P	P	P	-	-	P	-	-	-	-	-	-	-	-	-	-	-	8.3.4.D
Group Home, Large	-	-	-	-	-	CUP	CUP	CUP	CUP	-	CUP	-	-	-	-	-	-	-	-	-	-	-	-	-	-	8.3.4.E
Group Home, Small	CUP	CUP	CUP	CUP	CUP	CUP	CUP	CUP	CUP	-	CUP	CUP	-	-	-	-	CUP	CUP	-	-	-	-	-	-	8.3.4.F	
Group Resource Center	-	-	-	-	-	-	-	CUP	CUP	CUP	CUP	-	CUP	CUP	-	-	-	-	-	-	-	-	CUP	-	-	8.3.4.G
Homeless Shelter	-	-	-	-	-	-	-	-	CUP	-	-	-	-	CUP	-	-	-	-	-	-	-	-	-	-	-	8.3.4.H
Lodginghouse	-	-	-	-	-	CUP	-	CUP	CUP	CUP	CUP	-	-	CUP	-	-	-	-	-	-	-	-	-	-	-	8.3.4.I
Residential Care Facility	-	-	-	-	-	CUP	CUP	CUP	CUP	CUP	CUP	-	-	CUP	-	CUP	CUP	-	-	-	-	-	CUP	-	-	8.3.4.J
Residential Drug/Alcohol Treatment Facility	-	-	-	-	-	-	-	-	CUP	-	CUP	-	-	CUP	-	-	-	-	-	-	-	-	CUP	-	-	8.3.4.K
<b>INDUSTRIAL USES</b>	<b>R</b>	<b>RP</b>	<b>LD</b>	<b>LD-1</b>	<b>MD</b>	<b>HD</b>	<b>HD-1</b>	<b>DT-C</b>	<b>DT-G</b>	<b>DT-E</b>	<b>DT-L</b>	<b>DT-T</b>	<b>DT-I</b>	<b>COM</b>	<b>CL</b>	<b>BGR</b>	<b>NB</b>	<b>O</b>	<b>CP</b>	<b>I</b>	<b>IP</b>	<b>HC</b>	<b>A</b>	<b>C</b>		
Artisanal Production	-	-	-	-	-	-	-	P <sup>1</sup>	P <sup>1</sup>	P <sup>1</sup>	SE	-	P <sup>1</sup>	P <sup>1</sup>	P <sup>1</sup>	P <sup>1</sup>	-	-	-	P	-	-	-	-	8.3.5.A	
Bulk storage & distribution of goods, including flammable material	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P	-	-	-	-	8.3.5.B	
Bulk storage & distribution, excluding flammable material	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P	-	-	-	-	P	-	-	-	-	8.3.5.B	
Data Center	-	-	-	-	-	-	-	-	P	P	-	-	-	P	P	P	-	-	P	P	P	-	-	-	8.3.5.C	
Industrial, Heavy	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P	-	-	-	-	8.3.5.D	
Industrial, Light	-	-	-	-	-	-	-	-	SE	-	-	-	-	SE	SE	P <sup>1</sup>	-	-	P	P	P	-	-	-	8.3.5.E	
Outdoor Storage Yard	-	-	-	-	-	-	-	-	-	-	-	-	-	P	P	-	-	-	-	P	-	-	-	-	8.3.5.F	
Warehouse & Distribution	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P	P <sup>1</sup>	-	-	P	P	-	-	-	-	8.3.5.G	
Wholesale	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P	P <sup>1</sup>	-	-	-	P	-	-	-	-	8.3.5.H	
<b>OPEN SPACE USES</b>	<b>R</b>	<b>RP</b>	<b>LD</b>	<b>LD-1</b>	<b>MD</b>	<b>HD</b>	<b>HD-1</b>	<b>DT-C</b>	<b>DT-G</b>	<b>DT-E</b>	<b>DT-L</b>	<b>DT-T</b>	<b>DT-I</b>	<b>COM</b>	<b>CL</b>	<b>BGR</b>	<b>NB</b>	<b>O</b>	<b>CP</b>	<b>I</b>	<b>IP</b>	<b>HC</b>	<b>A</b>	<b>C</b>		
Cemetery	P	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P	P	8.3.6.A	
Community Garden	P	P	P	P	P	P	P	P	P	P	P	P	-	-	P	P	P	-	-	-	-	-	P	-	8.3.6.B	
Conservation Area	P	P	P	P	P	P	P	-	-	-	-	-	-	P	P	P	P	-	-	P	P	P	P	P	8.3.6.C	
Farming	P	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P	-	8.3.6.D	
Golf Course	P <sup>1</sup>	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P <sup>1</sup>	-	8.3.6.E	