



APPLICATION TO AMEND THE ZONING ORDINANCE

Petitioner: Community Development Department Date: May 13, 2025

Address: 3 Washington St., Keene NH

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

Existing Section Reference in Chapter 100, Land Development Code: 1.3.3, 8.4.1C

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

Does the amendment affect "Permitted Uses"? ☐ Yes ☒ No

Number of parcels in Zoning District*: N/A

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 _____

CITY OF KEENE
NEW HAMPSHIRE

O-2025-20 Relating to Setbacks and Build-to Dimensions

This Ordinance proposes to amend Section 1.3.3 “Setbacks & Build-To Dimensions” of Article 1 of the Land Development Code (LDC) to clarify that building setbacks apply to any building or structure to be located on a lot, unless a specific exemption exists in the LDC. The proposal also clarifies that the Build-To Line (BTL) and Build-To Zone (BTZ) apply to any principal building or structure and provides allowances for buildings or structures to be located outside the BTZ when the proposed building or structure is blocked by another principal building or structure. Lastly, this Ordinance proposes to amend Section 8.4.1.C of Article 8 to clarify that accessory uses and structures are not allowed in the BTZ.

The attached materials include the full text of Ordinance O-2025-20 and excerpted sections of the City of Keene Land Development Code that are proposed to be amended with Ordinance O-2025-20. Text that is highlighted in yellow and bolded is proposed to be added, and text that is stricken through is proposed to be deleted.



CITY OF KEENE

In the Year of Our Lord Two Thousand and _____ Twenty Five

AN ORDINANCE Relating to Setbacks and Build-to Dimensions

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:

- I. That Section 1.3.3 “Setbacks & Build-To Dimensions” of Article 1 be amended to modify the definitions of Building Setback, Build-to Line, and Build-to Zone, as follows:
 - A. Building Setback. The required minimum or maximum distance any building or structure must be located from a lot line, which is unoccupied and unobstructed by any portion of a building or structure, unless expressly permitted by this LDC.
 1. Front Setback. The required minimum or maximum distance that any building or structure must be located from the front lot line, unless expressly permitted by this LDC.
 2. Rear Setback. The required minimum or maximum distance that any building or structure must be located from the rear lot line, unless expressly permitted by this LDC.
 3. Side Setback. The required minimum or maximum distance that any building or structure must be located from the side lot line, unless expressly permitted by this LDC. A side setback may be measured perpendicular to the interior side setback or to the corner side lot line.
 - C. Build-To Line (BTL). A build-to line (BTL) is a set line on a lot, measured perpendicularly from the applicable lot line, where any principal building or structure must be located. The building façade line of any structure must be located on the build-to line. Façade articulation (e.g. window or wall recesses and projections) are not counted as the building façade line, which begins at the applicable façade wall.
 - E. Build-To Zone (BTZ). A build-to zone (BTZ) is the area on a lot, measured perpendicularly from the lot line, within which all principal buildings or structures must locate, whenever possible. Principal buildings or structures may locate outside the BTZ only if they cannot be located within the BTZ due to the presence of other principal buildings or structures. A BTZ sets a minimum and maximum dimension within which the building façade line must be located (e.g. 0-5-ft). Façade articulation (e.g. window or wall recesses and projections) are not counted as the building façade line, which begins at the applicable façade wall.

II. That Section 8.4.1.C of Article 8 be amended as follows:

- C. Accessory uses and structures shall comply with the dimensional requirements (e.g. setbacks, lot coverage, height) of the zoning district in which they are located, unless an exception is expressly granted below or elsewhere in this LDC.
 - 1. No accessory use or structure may occupy any part of a front setback **or build-to zone** unless the front setback extends beyond the front of a legally nonconforming building; in such case, the portion beyond the front of the building may be used.

Jay V. Kahn, Mayor

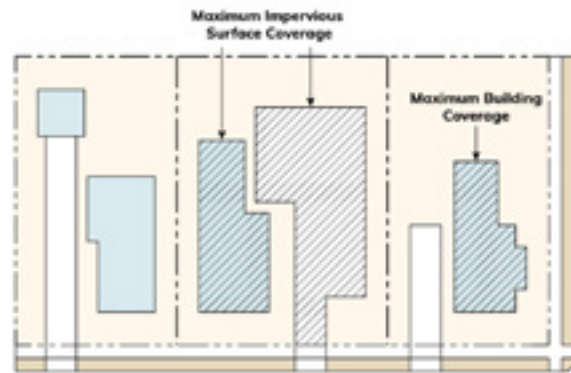
1.3 RULES OF MEASUREMENT & EXCEPTIONS

1.3.1 Lot Dimensions

- A. Lot Area.** The total area within the boundary lines of a lot, excluding any public right-of-way open to public use.
- B. Lot Line, Front.** The boundary line separating a lot from a street right-of-way or, for a corner lot, the line separating the narrower street frontage of the lot from the street right-of-way.
- C. Lot Line, Rear.** The boundary line most distant and opposite from the front lot line or, where the lot is irregular, a line parallel to the front lot line and at least 10-ft long within the lot.
- D. Lot Line, Side.** The boundary lines connecting the front and rear lot lines.
- E. Lot Width at Building Line.** The horizontal distance between side lot lines measured at the building line.
- F. Road Frontage.** The continuous portion of a lot fronting on a public right-of-way. The minimum frontage shall mean the smallest width, measured along the lot line that abuts a public right-of-way to which access may be permitted.

1.3.2 Lot Coverage

- A. Impervious Coverage.** Maximum area of a lot that is permitted to be covered by surfaces that do not allow the absorption of water into the ground (e.g. roofed buildings or structures, pavement, etc.), which is measured by dividing the total impervious surface area of the lot by the total lot area.
- B. Building Coverage.** Maximum area of a lot that is permitted to be covered by buildings or structures, which is measured by dividing the total area of building footprints (as measured from the outside ground wall and floor wall lines) of all principal and accessory structures by the total lot area.



1.3.3 Setbacks & Build-To Dimensions

- A. Building Setback.** The required minimum or maximum distance **any** building or structure must be located from a lot line, which is unoccupied and unobstructed by any portion of a building or structure, unless expressly permitted by this LDC.
 - 1. Front Setback.** The required minimum or maximum distance that **any** building or structure must be located from the front lot line, **unless expressly permitted by this LDC.**
 - 2. Rear Setback.** The required minimum or maximum distance that **any** building or structure must be located from the rear lot line, **unless expressly permitted by this LDC.**
 - 3. Side Setback.** The required minimum or maximum distance that **any** building or structure must be located from the side lot line, **unless expressly permitted by this LDC.** A side setback may be measured perpendicular to the interior side setback or to the corner side lot line.
 - a.** In residential zoning districts, the corner side lot line shall be measured from the property line adjacent to the street, and shall be 10-ft greater than the minimum side setback required in the zoning district.

communications service (PCS), and common carrier wireless exchange access services or other similar services. It does not include any structure erected solely for a residential, noncommercial individual use (e.g. television antennas, satellite dishes, amateur radio antennas).

2. **Use Standard.** Telecommunication facilities are subject to the standards set forth in the Telecommunications Overlay District in Article 13, which includes limitations on where such facilities are allowed to be located in the City and whether a telecommunications conditional use permit is required from the Planning Board.

8.3.8 Transportation Uses

A. Parking Lot

1. **Defined.** The principal use of a lot, which excludes any public or private street, for the temporary parking or storage of operable motor vehicles, whether for compensation or at no charge.
2. **Use Standard.** All parking lots shall comply with the Parking Lot Design Standards in Section 9.4 of this LDC.

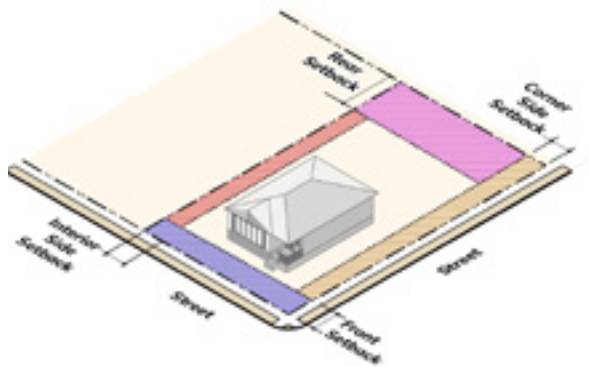
B. Parking - Structured Facility

1. **Defined.** The principal use of a lot for the temporary parking or storage of operable motor vehicles, whether for compensation or at no charge, in a multi-level parking structure.
2. **Use Standards.** All structured parking lot facilities shall comply with the Parking Structure Design Standards in Section 9.5 of this LDC.

8.4 ACCESSORY USES & STRUCTURES

8.4.1 General

- A. All accessory uses shall comply with the standards in Section 8.4.1.
- B. Accessory uses and structures may be permitted in conjunction with permitted principal uses. Permitted accessory uses and structures include those listed in Section 8.4.2 and additional accessory uses and structures that, as interpreted by the Zoning Administrator, meet the following criteria.
 1. Are clearly incidental and customarily found in connection with an allowed principal building or use.
 2. Are subordinate in area, extent, and purpose to the principal building or use served.
 3. Are located on the same site as the principal building or use served.
 4. Were not established on a lot prior to the establishment of a permitted principal use.
 5. Do not create a public or private nuisance.
- C. Accessory uses and structures shall comply with the dimensional requirements (e.g. setbacks, lot coverage, height) of the zoning district in which they are located, unless an exception is expressly granted below or elsewhere in this LDC.
 1. No accessory use or structure may occupy any part of a front setback **or build-to-zone** unless the front setback extends beyond the front of a legally nonconforming building; in such case, the portion beyond the front of the building may be used.



4. Structure Setback Exceptions.

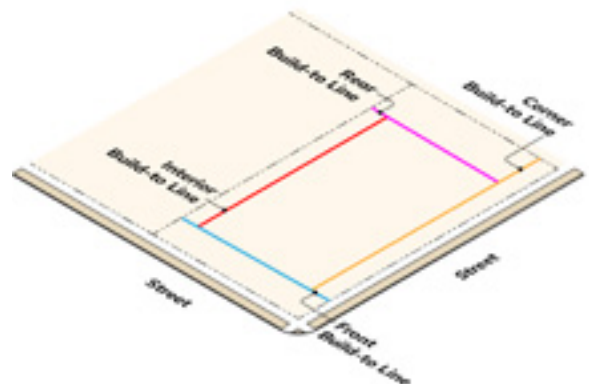
- a. The following may be excluded from required setbacks.
 - i. Steps and stairs necessary to provide access to a building or structure
 - ii. Access landings up to 25-sf
 - iii. Structures necessary to afford access for persons with physical disabilities
 - iv. Canopies and awnings
 - v. One detached utility accessory building of less than 125-sf (e.g. garden shed)
 - vi. Fences
 - vii. Signs as regulated by Article 10
- b. Paved and unpaved parking lots and associated travel surfaces associated with all uses other than single- and two-family dwellings shall comply with the setback requirements in Section 9.4 of this LDC.
- c. Driveways and parking spaces associated with single- and two-family dwellings shall comply with the setback requirements in Section 9.3 of this LDC.
- d. If a front building setback extends beyond the front of a legally nonconforming building, an accessory use or structure may occupy the portion

of the front setback beyond the front of the building.

- e. The following structures may encroach up to 10-ft from the rear lot line of lots in residential zoning districts.
 - i. Pools, either above- or in-ground
 - ii. Decks, either detached or attached
 - iii. Garages, either detached or attached
 - iv. Accessory Dwelling Units, either detached or attached

B. Building Façade Line. The vertical plane along a lot where the building's façade is located. Upper story building façade lines relate to that part of the façade that requires a setback.

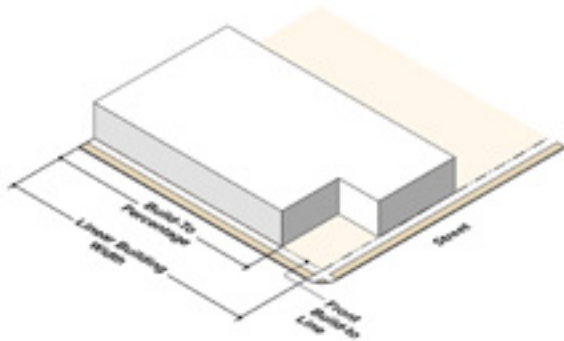
C. Build-To Line (BTL). A build-to line (BTL) is a set line on a lot, measured perpendicularly from the applicable lot line, where **any principal building or** structure must be located. The building façade line of a structure must be located on the build-to line. Façade articulation (e.g. window or wall recesses and projections) are not counted as the building façade line, which begins at the



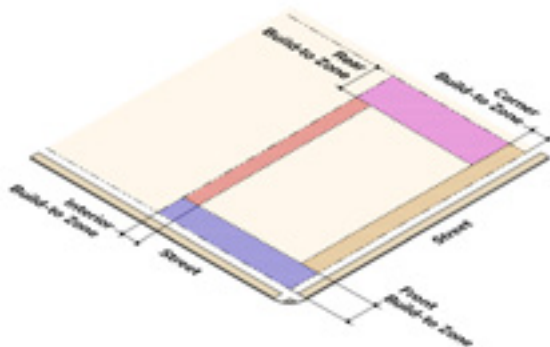
applicable façade wall.

D. Build-To Percentage. A build-to percentage specifies the percentage of the building façade that must be located within the build-to zone or at the build-to line. Façade articulation (e.g. window or wall recesses and projections) do not count against the required build-to percentage. Plazas, outdoor dining, and other public open

space features that are also bounded by a building façade parallel to the frontage are counted as meeting the build-to percentage. Build-to percentage is calculated by building façade, not lot width.



- E. Build-To Zone (BTZ).** A build-to zone (BTZ) is the area on a lot, measured perpendicularly from the lot line, within which **all principal buildings or structures must locate, whenever possible. Principal buildings or structures may locate outside the BTZ only if they cannot be located within the BTZ due to the presence of other principal buildings or structures.** A BTZ sets a minimum and maximum dimension within which the building façade line must be located (e.g. 0-5-ft). Façade articulation (e.g. window or wall recesses and projections) are not counted as the building façade line, which begins at the applicable façade wall.



1.3.4 Building Height

- A. Building Height, Feet.** The vertical distance measured from the grade plane of the lot grade to the highest point of the roof or structure.
- B. Building Height, Stories.** The vertical distance measured from the finished ground floor level to

the surface of the second floor, or, in the case of a one-story building, from the finished ground floor level to the surface of the roof. Each upper story of a structure is measured from the surface of the floor to the surface of the floor above it, or, if there is no floor above, from the surface of the floor to the surface of the roof above it.

1. When building height allows for half-stories, the half-story is calculated as the space under a sloping roof where the line of intersection of roof decking and exterior wall face is no more than 5-ft above the top floor level.
 2. Attics, habitable attics, and basements are not counted as stories.
- C. Height, Ground Floor.** Ground floor height is the measurement of height for the first story of a structure, calculated as the height from the grade plane to the floor of the second story.
- D. Story, Above Grade.** Any story having its finished floor surface entirely above grade, except that a basement shall be considered as a story above grade when the finished surface of the floor above the basement is:
1. More than 6-ft above grade plane;
 2. More than 6-ft above the finished ground level for more than 50% of the total building perimeter; or
 3. More than 12-ft above the finished ground level at any point.
- E. Optional Corner Tower Element.** A corner tower element is an accentuated vertical element located on a building corner at a street intersection that can be located within a required stepback. In no case may the corner tower element exceed the building's overall height.

