



# CITY OF KEENE

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

AN ORDINANCE Relating to Setback Exceptions, Accessory Dwelling Units, and Parking Regulations

*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. That a new section be added after Section 1.3.3.4.a, sub-section vii to indicate that retaining walls are exempt from setback requirements, as follows.
  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
      - viii. Retaining walls**
2. That Section 8.4.2, Subsection A be amended by removing sub-sections 2.e and 2.g, as follows. The intent of this proposed change is to come into compliance with recent changes to state law, specifically HB 577 which amended NH RSA 674:71 to :73.

A. Accessory Dwelling Unit (ADU)

1. Defined. An independent living unit ancillary to a single-family dwelling and under the same ownership as the principal dwelling unit. The unit may be an attached Accessory Dwelling Unit (ADU), located within or attached to the principal dwelling unit, or a detached ADU, located in or as a detached accessory building on the property.
2. Use Standards
  - a. Only 1 ADU shall be permitted per lot.
  - b. There shall be no more than 2 bedrooms in an ADU.
  - c. ADUs shall be permitted in any district and on any lot that contains a singlefamily dwelling. This shall include any legal non-conforming single-family dwelling.
  - d. ADUs shall not exceed a maximum gross floor area of 1000-sf.
  - ~~e. An interior door shall be provided between the principal single-family dwelling unit and an attached ADU. This interior door does not need to remain unlocked.~~
  - ~~f.e.~~ Only 1 parking space shall be required for an ADU.
  - ~~g.f.~~ An ADU shall have city water and sewer service, or, ~~i~~ In the absence of city sewer, a septic system plan approved by the state shall be required prior to the issuance of a building permit.
  - ~~h.g.~~ A scaled and dimensional plot plan of the property shall be submitted as part of the building permit application for an ADU. This plan shall show the location and number of required parking spaces, driveway and paved areas, buildings, building setbacks, utilities, fences, and any other relevant site features.
  - ~~i.h.~~ The record property owner shall occupy either the single-family dwelling or the ADU, and shall submit an affidavit in support of an ADU with their building permit application stating under oath that they satisfy the owner occupancy requirement.
  - ~~j.i.~~ Adequate notice in an acceptable legal form for recording at the County Registry of Deeds shall be duly executed by the owner of record identifying the property on which the ADU is located by source deed sufficient to notify successor owners that the ADU is subject to the City's Zoning Regulations.
    - i. This notice shall be reviewed by the Zoning Administrator for acceptable form and, upon signature, it shall be recorded at the Registry by the property owner.
    - ii. Evidence of recording shall be submitted to the Community Development Department prior to the issuance of a building permit.

k.j. An ADU is subject to the same overlying zoning district's dimensions & siting, buildout, and height requirements, as permitted by RSA 674:72, that would be required for a single-family dwelling without an ADU. In the case of zoning districts that do not allow a singlefamily dwelling, the zoning district's dimensions & siting, buildout, and height requirements shall apply.

i. An ADU may encroach up to 10-ft from the rear lot line of any lot where an ADU is permitted.

3. That Section 9.2.7.A "Administrative Reduction" of Article 9 be amended to increase the amount of parking that may be reduced through an administrative process, as follows. The intent of this proposed change is to reduce barriers to development where the proposed development can clearly demonstrate that the number of required parking spaces as detailed in Table 9-1 is too restrictive based on the characteristics of the specific use or site.

#### 9.2.7 Reduction of Required Parking

A. Administrative Reduction. The Zoning Administrator may grant up to a ~~10%~~ **25%** reduction in the number of required on-site parking spaces for the principal use or mixture of principal uses on a lot when the following can be demonstrated.

1. A specific use or site has such characteristics that the number of required parking spaces is too restrictive.
2. The requested reduction will not cause long term parking problems for adjacent properties or anticipated future uses.
3. One or more of the following site conditions are applicable or present on the lot where the principal use(s) is located.
  - a. Reserve Area. An area of land suitable for the development of a parking facility and equal in size to the area of land needed to provide the parking spaces for which a reduction is granted will be reserved as undeveloped open space on the lot. **This criteria shall be required for residential uses seeking a reduction of more than 10%.**
  - b. Proximity to Alternative Modes of Transportation. The main entrance to the building of the proposed use is located within a 1,000-ft walking distance of an operating transit route or there is direct access from the lot to a multi-use bicycle pathway.
  - c. Shared Parking. The required parking is for a use that shares a parking lot with other uses that have different peak parking demands or operating hours (e.g. a movie theatre and a bank).
  - d. Proximity to On-Street Parking. Located contiguous to the lot there is on-street public parking that meets all the requirements for on-street parking in accordance with the City Code of Ordinances.

## B. Administrative Reduction Request Procedure

1. A written request for an administrative parking reduction shall be filed with the Zoning Administrator and shall include, at a minimum, the following information. The Zoning Administrator may request additional information and/or technical studies at the applicant's expense.
    - a. The size and type of the proposed use(s).
    - b. The anticipated rate of parking turnover.
    - c. The anticipated peak parking and traffic loads for all uses.
    - d. A description of how the site and/or use meets the criteria in Section 9.2.7.A.
    - e. A traffic and parking analysis stamped by a NH licensed engineer shall be required for parking reduction requests greater than 10%.**
    - ~~f.e.~~ Additional information and/or technical studies deemed reasonably necessary by the Zoning Administrator, at the expense of the applicant.
  2. The Zoning Administrator shall issue a written decision on requests for administrative reduction of required parking in accordance with the procedures for a written interpretation in Section 26.9 of this LDC.
4. That Section 9.2.9.B "Remote Parking" of Article 9 be amended to allow remote parking to be located on lots located in residential districts with legally non-conforming uses and excess parking capacity, as follows. The intent of this proposed change is to allow for more flexibility for remote parking arrangements in areas that are located within a residential district.

### 9.2.9 Remote Parking

If the required number of on-site parking spaces for any land use cannot be reasonably provided on the same lot on which the principal use is located, the Zoning Administrator may permit all or part of the required parking to be located on a separate lot, provided it complies with the following standards.

- A. The remote parking spaces shall be within a 1,000-ft walking distance of the property on which the principal use is located. This distance is measured from the nearest point of the remote parking area to the primary entrance of the use served. The path of travel from the remote parking to the principal use shall have adequate pedestrian facilities (e.g. crosswalks and sidewalks) for pedestrians to safely travel between the two sites.
- B. Remote parking spaces shall not be allowed **on lots where the primary use is residential (single family, two family, or multifamily).** ~~in any residential zoning district.~~
- C. All required accessible parking spaces shall be provided on-site.
- D. Where remote parking spaces are under separate ownership from the principal lot, a written and duly executed parking agreement between the record owners, which guarantees the use and operation of remote parking areas for the life of the principal

use, shall be submitted to and approved by the Zoning Administrator and recorded in the County Registry of Deeds. Change of ownership or use of either parcel shall require a renewal of the agreement.

E. The remote parking spaces shall not be counted toward the minimum parking requirements for the primary use(s) of the lot where the remote parking is located.

5. That Table 9-3 “Travel Lane Dimensions” be modified to include travel lane widths adjacent to parallel parking spaces, as follows. The intent of this proposed change is to clarify that parallel parking is allowed and to specify the required width of adjacent travel lanes.

<b>Parking Space Angle</b>	<b>Travel Lane Width</b>
90 degree	22 ft
60 degree	18 ft
45 degree	11 ft
30 degree	10 ft
<b><u>0 degree</u></b>	<b><u>10 ft (one-way)</u></b>
<b><u>(parallel parking)</u></b>	<b><u>20 ft (two-way)</u></b>

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Jay V. Kahn, Mayor