



AGENDA

Joint Planning Board and Planning, Licenses & Development Committee

Monday August 14, 2017

6:30 PM

Council Chambers

1. Roll Call
2. Approval of meeting minutes – June 12, 2017
3. Public Workshops
 - A. Ordinance – O-2017-10 Relating to a Zoning Change – Petitioner, City of Keene, proposes to amend Section 102-896 of the Keene Zoning Ordinance to be consistent with changes made to NH RSA 674:72 regarding Accessory Dwelling Units (ADUs), which took into effect on June 1, 2017. The proposed Ordinance allows as a matter of right attached ADUs in the Rural, Agriculture, Office, Medium Density, High Density, High Density-1, Low Density, and Low Density-1 Districts and for detached ADUs in the Rural and Agricultural Districts.
 - B. Ordinance – O-2016-01-B – Relating to Zone Change. Petitioner, City of Keene Planning Department, requests the creation of three zoning districts; a Business Growth and Reuse District, a Neighborhood Business District and a Residential Preservation District. The proposed ordinance also revises eleven zoning definitions and creates five additional zoning definitions. The two hundred and fifty-six parcels of land affected by this request total an area of 266 acres. The project area is generally east of Main Street, south of Water Street, west of Eastern Avenue and north of Baker Street. A summary of proposed revisions to the original ordinance and to the Basic Zone Dimensional Requirements Table 1, Section 102-791 will be discussed.
4. Next Meeting – September 11, 2017
5. Adjourn

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**CITY OF KEENE
NEW HAMPSHIRE**

**JOINT PUBLIC WORKSHOP
PLANNING BOARD/
PLANNING, LICENSES, AND DEVELOPMENT COMMITTEE
MEETING MINUTES**

Monday, June 12, 2017

6:30 PM

Council Chambers

Planning Board Members Present

Gary Spykman, Chair
Douglas Barrett
Andrew Bohannon
Mayor Kendall Lane
Pamela Russell Slack
Nathaniel Stout
Councilor George Hansel
Martha Landry

Planning Board Members Not Present

Chris Cusack
David Webb
Tammy Adams

**Planning, Licenses and Development
Committee Members Present**

Councilor Philip Jones
Councilor Bart Sapeta
Councilor George Hansel

**Planning, Licenses and Development
Committee Members Not Present**

David Richards, Chairman
Councilor Robert Sutherland

Staff Present

Rhett Lamb, Planning Director
Tara Kessler, Planner

1. Roll Call

Chair Jones called the meeting to order at 6:30 pm and a roll call was taken.

2. May 2 meeting minutes

Martha Landry offered the following correction:

Page 9 of 11 – *Ms. Landry stated she could support 3 and 4 as this would enable to City to add in Form-Based Zoning.*

Ms. Landry stated she wanted it clarified the City would have one option with Form-Based Zoning and one option without Form-Based Zoning.

Page 4 of 11 – adding the word “including” in strategy one.

Nathaniel Stout offered the following correction:

Page 8 of 11 – correct spelling of the word should be *nebulous*

Doug Barrett offered the following correction:

Page 10 of 11– paragraph three down, second sentence *was discussed* instead of *discussion* and *Are areas* instead of *is areas*.

A motion was made by Mayor Kendall Lane that the Joint Committee accept the May 2, 2017 meeting minutes as amended. The motion was seconded by George Hansel and was unanimously approved.

3. Land Use Code Update Phase 1 – Continued Discussion Planning Director Rhett Lamb and Planner Tara Kessler addressed the Committee next. Ms. Kessler began by noting this project was one of the top implementation strategies of the Comprehensive Master Plan and in 2012 the City allocated \$200,000 in funding in its CIP for this effort. Last year about \$66,000 was expended to implement Phase 1.

Ms. Kessler stated there are three different options for pursuing phase 2 of the Land Use Code Update project:

1. At minimum an update of the regulations to address any inconsistencies. At the last meeting it was discussed how that option would not address the goals of this project, create a more user friendly and business friendly environment and streamline the regulatory process.
2. Creation of a Unified Development Ordinance (UDO)
3. Develop Form-Based Zoning for the downtown

Ms. Kessler stated at last month's meeting what was missing were cost estimates. Ms. Kessler stated staff has reached out to Planning Firms to discuss cost estimates. She indicated what was discovered is that strategy 3 could be pursued with the funding the City has; one of the estimates came back at about \$163,000 and felt a potential scope of work could be negotiated for staff involvement and consultant work. There was another estimate that came in which was about \$300,000. The firm which sent in the lower estimate is nationally known, they have done Unified Development Ordinances and Form-Based Codes for number of cities and staff feels confident they can complete this work.

Ms. Kessler stated at last month's meeting there was consensus that a UDO or an approach similar to developing a UDO best meets the goals set out for this project. The question on the table is whether Form-Based Zoning should be taken on or not.

Chair Jones asked by choosing option 3 whether there are any services the City might be missing out on. Ms. Kessler agreed option 3 is what staff feels the City could afford. The Chairman asked whether the recommendation from the Committee today would go to Council. Ms. Kessler agreed but added the Committee is yet to decide which option they would like to move forward to City Council. Mr. Lamb added with the proposed motion the Committee will be confirming the City will be moving forward with a UDO plus a Form-Based Code. This will give staff the opportunity to finalize an RFQ and bring the contracting services at whatever level that is permitted.

Mayor Lane noted City Council has already approved this project when they approved the CIP and felt the process was beyond Council at this point. The Mayor felt the next step would be for him to appoint a Committee for phase 2 assuming the Planning Board decides to go forward with Phase 2. The Mayor asked whether or not the funding was approved over a two year period with funding to happen in each year. Mr. Lamb stated \$200,000 was available in 2012 over a two year period. He added the plan is to assign, in the RFQ, some of the scope of work back to staff so that the estimate could be reduced to go along with the available funds. Mayor Lane cautioned staff to keep in mind the other tasks staff has to take on as well as there being a limit as to what staff can do. Mr. Lamb agreed and added this has been built into their program for the next 18 months and were anticipating doing much of this work.

Councilor Hansel stated one of the aspects he raised last month was Form-Based Code being implemented downtown but there was no determination what that downtown area was going to be. Perhaps expanding it to an area where there was going to be more development pressure in the short-term so the effects of implementing Form-Based Code in the short-term could be seen and asked whether staff had given any thought to this. Ms. Kessler stated there is an effort happening right now to define the downtown with a consultant and at the present time the boundaries extend past the Central Business District. Determination of this work would make sense for phase 2. Councilor Hansel stated what he was looking for was perhaps extending into Marlboro Street and including this area as part of the Form-Base Code. Mr. Lamb stated as the RFQ is being drafted, the City can be more precise as to what it is looking for.

Mayor Lane stated the definition of downtown the City is currently looking at extends between Island Street on the west and Carpenter Field on the east and extending north to Mechanic Street and south to the bypass. Mr. Lamb felt this was a definable planning area and is similar to the primary growth area established for the purposes of the Comprehensive Master Plan.

Vice-Chair Barrett asked whether there was a definition of downtown given to the consultant to obtain cost estimates. Ms. Kessler referred to Task 3B.1 where it talks about working in consultation with City staff and Advisory Committee to determine the geographic extent of the downtown rezoning effort.

Mr. Stout asked whether there was a big difference in price between the two parties that submitted the bids. Ms. Kessler stated the one who provided the \$163,000 estimate has much more experience in UDO and the \$300,000 estimate firm has more experience in Form-Based Zoning; both have experience in Form-Based Zoning but one has more experience in UDO. Mr. Lamb added the higher bidder does not have experience writing a UDO. Ms. Kessler further stated the higher bidder isolated the amount for public engagement which was considerably higher than what staff anticipated. She also noted UDOs and Form-Based Zoning is an integrated strategy and it would be much more expensive to take on Form-Based Zoning as a separate piece rather than integrating it into the UDO.

Mr. Lamb stated the key question is whether to pursue Form-Based Zoning or not. The language is new around a Form-Based Code or Character Based Code; it is a shift in the way a regulatory basis would be put in place. This is still zoning but adds an element that traditional zoning does not. He indicated staff is comfortable with the idea and feel applying it to the downtown would be the best location at the moment.

Chair Jones stated this would be the time in the meeting to open the session up for public comment but there was no public present today. Mr. Lamb stated before any ordinances are written or the City Code is changed there will be public participation.

A motion was made by Mayor Kendall Lane that the City move forward with phase 2 of the Land Use Code Update including an RFQ for the creation of a Unified Development Ordinance and the development of a Form-Based Zoning District in the downtown. The motion was seconded by Councilor George Hansel.

The Chair noted this is a vote of both bodies.

Councilor Sapeta clarified that Task 1 would be the UDO and Task 2 would be adding on Form-Based Zoning. Ms. Kessler stated during Phase 1 of this project one of the tasks was to look at the existing regulations. In Phase 2 the work done in Phase 1 will be revisited but they will go “deeper” (Task 1) – regulatory review and analysis.

Task 2 – update and reorganization of the UDO

Task 3 – integration of Form-Based Zoning

The Councilor clarified these three tasks will be completed as one package. Ms. Kessler agreed it would be.

With nothing further, the motion made by the Mayor carried on a unanimous vote.

Next meeting – July 10, 2017

3. Adjourn

The meeting adjourned at 7:00 pm.

Respectfully submitted,

Krishni Pahl,
Minute Taker

Reviewed by Rhett Lamb, Planning Director

Staff Report - Ordinance – O-2017-10

The Ordinance

This Ordinance proposes to amend Section 102-896 of the City of Keene Zoning Ordinance to allow for attached Accessory Dwelling Units (ADUs) in all zoning districts that allow for single-family dwellings while also allowing for detached ADUs in the City's Agricultural and Rural districts.

Background

According to the City's Zoning Ordinance, an Accessory Dwelling Unit (ADU) is defined as an independent living unit ancillary to a single-family dwelling and under the same ownership as the primary residence. The unit may be within or attached to the primary residence or located in an accessory building on the property.

The purpose of the proposed Ordinance is to amend Keene's current ADU regulations (*Section 102-896 of the City Code*) to reflect changes made to NH RSA 674:72 (see attached) regarding ADUs, which took into effect on June 1, 2017. The revised RSA requires municipalities to allow internal or attached accessory dwelling units in all zoning districts where single-family dwellings are permitted. The municipality may allow ADUs by matter of right, special exception or conditional use permit. The RSA also gives municipalities the option of allowing for detached ADUs, which is an accessory dwelling in a building not attached to the primary single-family dwelling, such as in a garage, barn or other separate structure.

The current Zoning Ordinance is in conflict with the revised RSA in several instances. These discrepancies along with a description of how the proposed Ordinance rectifies these conflicts are described below.

- Currently, the City's Zoning Ordinance only allows for ADUs in the Rural, Low Density and Low Density-1 districts by conditional use permit approved by the Planning Board. However, the RSA states that ADUs shall be allowed in all districts that permit single-family dwellings. Keene's zoning districts that allow for single-family dwellings include Rural, Agriculture, Office, Medium Density, High Density, High Density-1, Low Density, and Low Density-1. The proposed Ordinance will allow for attached ADUs in these Zoning Districts, and for both attached and detached ADUs in the Rural and Agriculture Districts.
- The City's current Zoning Ordinance states that ADUs must be at least 400 square feet but not larger than 30 percent of the size of the primary unit. The revised RSA states that the ADU size may not be limited to less than 750 square feet. In addition, lot dimension requirements such as lot size, frontage and space limitations cannot be any different than they would be for a single-family dwelling. The proposed Ordinance maintains the minimum ADU size of 400 square feet and establishes a maximum size limit of 800 square feet.

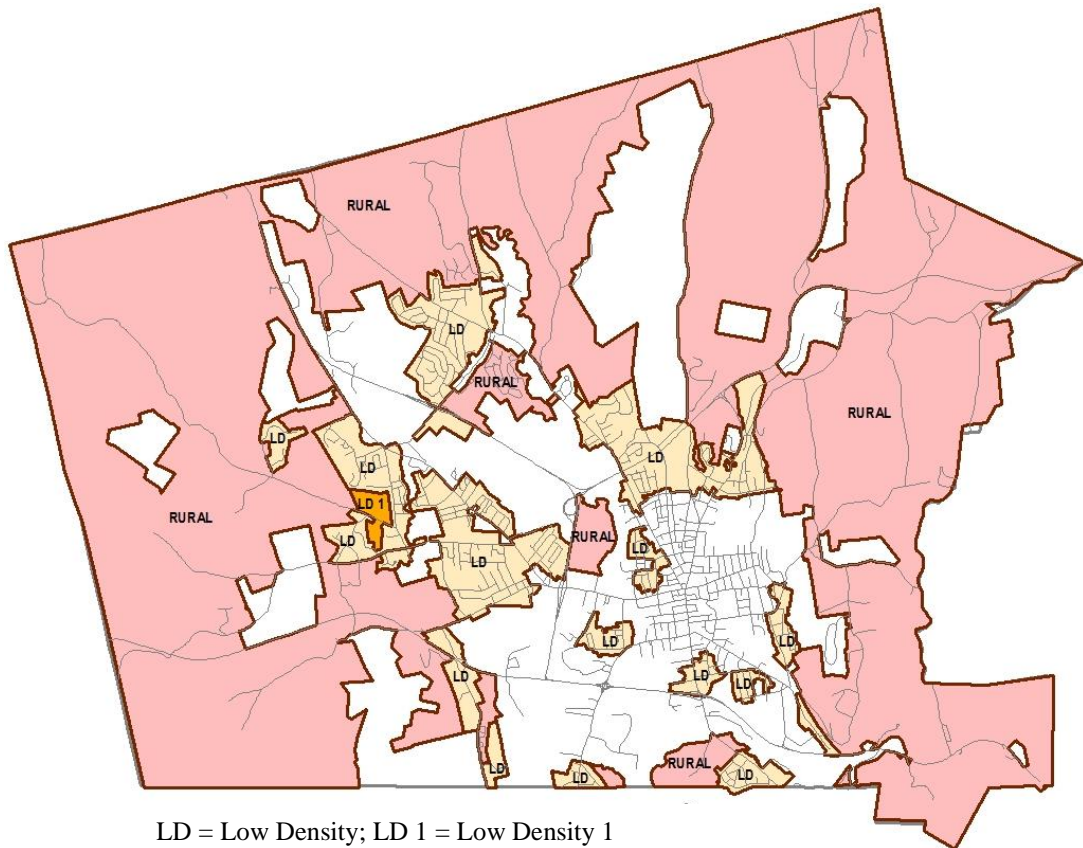
- The proposed Ordinance removes the requirement for a conditional use permit through the Planning Board, and allows for ADUs as a matter of right in specified zoning districts. However, a property owner would still need to obtain a building permit for the construction of an ADU, which would require compliance with the State Building Code as well as the City’s Code of Ordinances.
- Both the current and proposed ADU Ordinance require that the property owner occupy either the primary dwelling unit or the ADU as his or her primary residence. The property owner must submit an affidavit with their application for a building permit that they satisfy the owner occupancy requirement.

Zoning Analysis

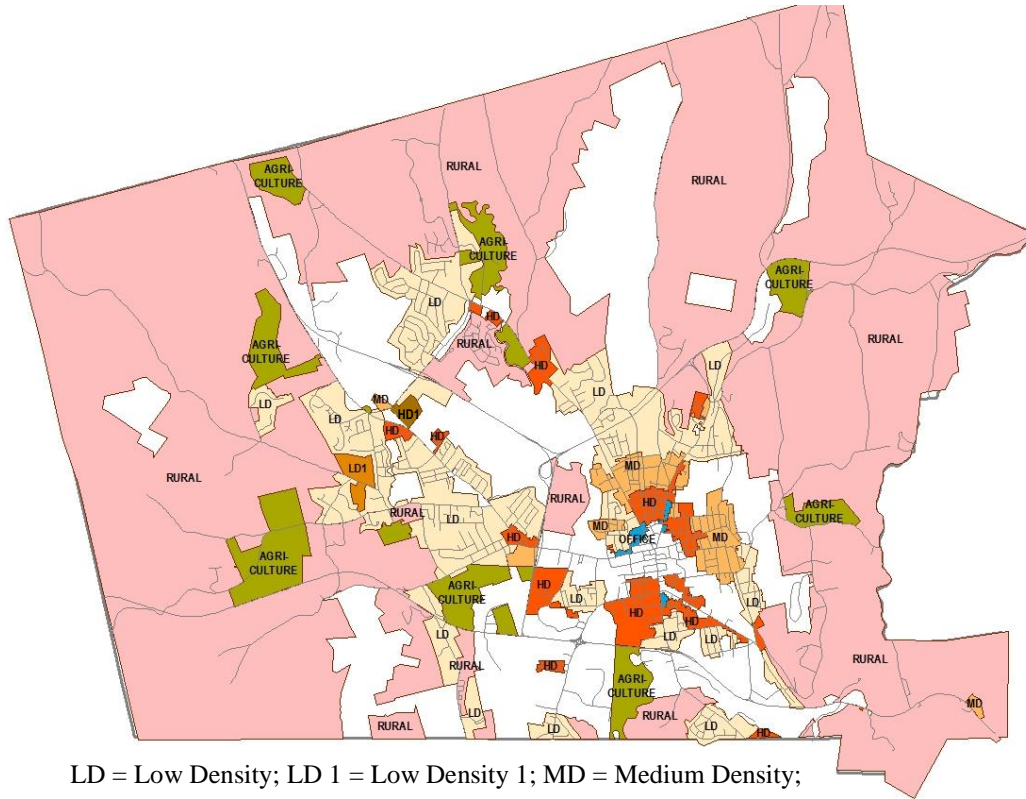
As of present, attached and/or detached ADUs are allowed by Conditional Use Permit in approximately 72% (17,084 acres) of the City (see Map 1). The proposed Ordinance would permit attached ADUs as a matter of right in all of the City’s eight zoning districts that allow for single family housing (see Map 2). These districts encompass approximately 80% of Keene’s land area. Although, much of this land (~14,767 acres) is within the Rural Zoning District.

The proposed Ordinance would allow for detached ADUs in the Rural and Agriculture Districts, which encompass approximately 15,649 acres or 66% of the City (see Map 3).

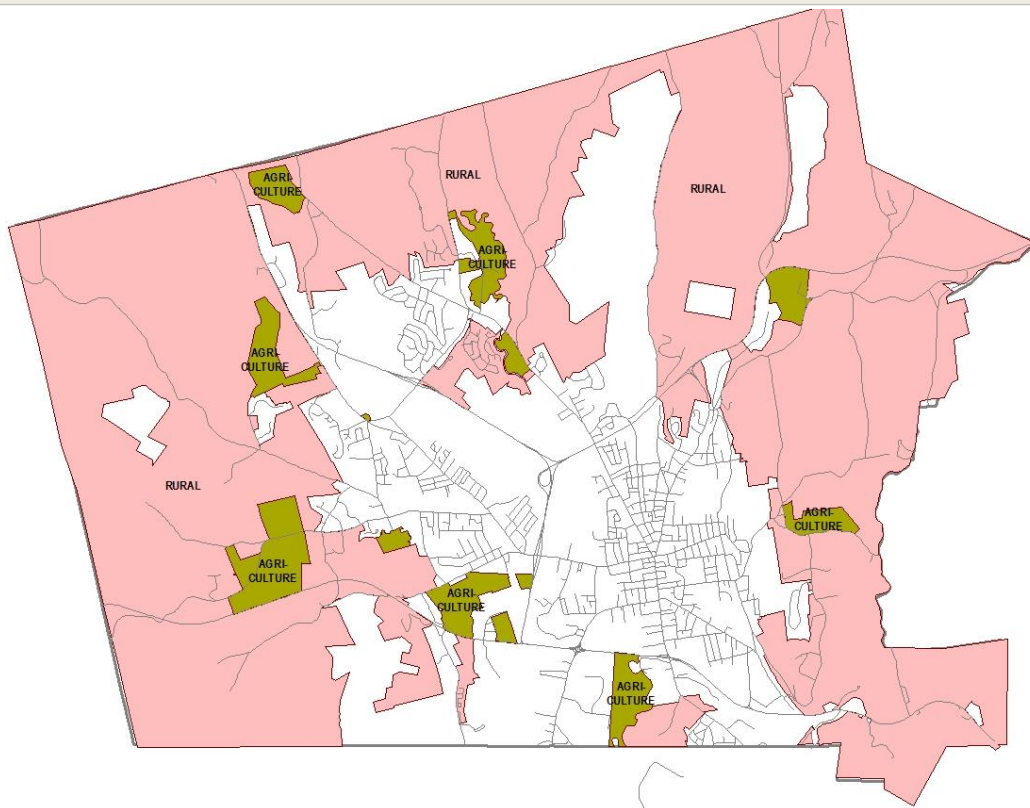
Map 1. Zoning districts where ADUs are currently allowed in Keene



Map 2. Zoning districts where attached ADUs would be allowed per O-2017-10



Map 3. Zoning districts where detached ADUs would be allowed per O-2017-10



The proposed Ordinance is in keeping with the recent changes to state law (NH RSA 674:72) and with the intents of the existing Zoning Districts, which currently allow for residential uses.

Allowing for detached ADUs in the Agriculture and Rural Districts would increase housing options in these areas of Keene. As these zones have large minimum lot sizes (10 acres in the Agriculture District and 5 acres in the Rural District), allowing for detached ADUs should not have a significant impact on the density of development in these areas. Per the proposed ordinance, the floor area of a detached ADU could not be greater than 1,000 square feet or greater than 50 percent of the gross floor space of the primary dwelling unit.

If a property owner in either the High Density, High Density 1, Medium Density, or Office Districts wanted to construct a detached ADU, they would need to meet the dimensional requirements of the Zoning Ordinance for a second dwelling unit. For example, a lot in the High Density District would need a minimum of 11,000 square feet to allow for two dwelling units (6,000 sf is the minimum lot size in High Density, however, 5,000 sf is required for each dwelling unit). Only attached ADUs would be allowed in the Low Density and Low Density 1 Districts.

If O-2017-10 were adopted, the Planning Board would need to amend the Planning Board Site Plan and Subdivision Regulations to remove mention of the ADU Conditional Use Permit and the ADU Conditional Use Permit criteria.

Consistency with the Master Plan

The 2010 Comprehensive Master Plan (CMP) states on page 49: *“In order to ensure housing choice and opportunity for all citizens, the community and city leadership will need to encourage and support homeownership and rental opportunities through existing partners that provide appropriate, well-maintained, quality, safe, efficient housing for all portions of Keene’s demographic, particularly for its families and professionals. 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 the existing stock...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...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.”*

The proposed Ordinance would expand the areas in Keene where ADUs are allowed, thereby increasing the array of housing choices available to residents throughout the City. ADUs, which can include in-law apartments (referenced in the CMP above), are an option for residential redevelopment / infill that typically have minimal impact on the surrounding area. The proposed Ordinance appears to be consistent with the goals of the CMP.

Recommendation:

Recommend the Planning Board find the proposed Ordinance 0-2017-10 consistent with the Comprehensive Master Plan; and, the PLD Committee recommend that the Mayor set a public hearing date.

TITLE LXIV PLANNING AND ZONING

CHAPTER 674 LOCAL LAND USE PLANNING AND REGULATORY POWERS

Accessory Dwelling Units

Section 674:72

[RSA 674:72 effective June 1, 2017.]

674:72 Accessory Dwelling Units. –

I. A municipality that adopts a zoning ordinance pursuant to the authority granted in this chapter shall allow accessory dwelling units as a matter of right or by either conditional use permit pursuant to RSA 674:21 or by special exception, in all zoning districts that permit single-family dwellings. One accessory dwelling unit shall be allowed without additional requirements for lot size, frontage, space limitations, or other controls beyond what would be required for a single-family dwelling without an accessory dwelling unit. The municipality is not required to allow more than one accessory dwelling unit for any single-family dwelling.

II. If a zoning ordinance contains no provisions pertaining to accessory dwelling units, then one accessory dwelling unit shall be deemed a permitted accessory use, as a matter of right, to any single-family dwelling in the municipality, and no municipal permits or conditions shall be required other than a building permit, if necessary.

III. An interior door shall be provided between the principal dwelling unit and the accessory dwelling unit, but a municipality shall not require that it remain unlocked.

IV. Any municipal regulation applicable to single-family dwellings shall also apply to the combination of a principal dwelling unit and an accessory dwelling unit including, but not limited to lot coverage standards and standards for maximum occupancy per bedroom consistent with policy adopted by the United States Department of Housing and Urban Development. A municipality may require adequate parking to accommodate an accessory dwelling unit.

V. The applicant for a permit to construct an accessory dwelling unit shall make adequate provisions for water supply and sewage disposal for the accessory dwelling unit in accordance with RSA 485-A:38, but separate systems shall not be required for the principal and accessory dwelling units.

VI. A municipality may require owner occupancy of one of the dwelling units, but it shall not specify which unit the owner must occupy. A municipality may require that the owner demonstrate that one of the units is his or her principal place of residence, and the municipality may establish reasonable regulations to enforce such a requirement.

VII. A municipality may establish standards for accessory dwelling units for the purpose of maintaining the aesthetic continuity with the principal dwelling unit as a single-family dwelling. A municipality may also establish minimum and maximum sizes for an accessory dwelling unit, provided that size may not be restricted to less than 750 square feet.

VIII. A municipality may not require a familial relationship between the occupants of an accessory dwelling unit and the occupants of a principal dwelling unit.

IX. A municipality may not limit an accessory dwelling unit to only one bedroom.

X. An accessory dwelling unit may be deemed a unit of workforce housing for purposes of satisfying the municipality's obligation under RSA 674:59 if the unit meets the criteria in RSA 674:58, IV for rental units.

Source. 2016, 6:2, eff. June 1, 2017.



APPLICATION TO AMEND THE ZONING ORDINANCE

Petitioner John Rogers Date June 29, 2017

Address 3 Washington Street, Keene NH

Telephone (603) 352-5440 Email: jrogers@ci.keene.nh.us

Existing Section Reference in Chapter 102, Zoning Ordinance 102:896

Does the amendment change the existing "Minimum Lot Size" Yes No

Does the amendment change the existing "Permitted Uses" Yes No

Brief Description of Proposed Change The proposed change would allow accessory dwelling units in any zone that allows single family dwellings to come into compliance with State RSA 674:74. The current Zoning Ordinance only allows accessory dwelling units in the Rural, LD, and LD1 zones.



Petitioner's Signature

Submittal Requirements which must be complete at the 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. If the proposed amendment changes the boundary of a zoning district, the Petitioner shall submit a notarized list of all property owners within the zoning district directly affected by the proposed boundary line change, and of all property owners outside of the zoning district that abut the proposed boundary line change.
- 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.



CITY OF KEENE

Seventeen

In the Year of Our Lord ~~Two Thousand and~~
Relating to Chapter 102 – Zoning Ordinance – Accessory Dwelling Unit

AN ORDINANCE

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

That the Ordinances of the City of Keene, as amended, are hereby further amended by removing the stricken text and inserting the bolded text in Section 102-896, Accessory Dwelling Unit, of Chapter 102, entitled “Zoning Ordinance” as follows:

Sec. 102-896. - Accessory dwelling unit.

Attached ~~A~~ accessory dwelling units are permitted ~~in~~ **within or attached to single family dwellings in the Agriculture, the Rural, the Low density, and the Low density-1, Medium density, High density, High density-1 and Office** districts. ~~as a conditional use permit~~ **Detached accessory dwelling units are permitted on single family dwellings lots in the agriculture and rural districts** subject to the following conditions:

- (1) Only one accessory dwelling unit shall be permitted per lot.
- (2) The record property owner shall occupy either the primary dwelling unit or the accessory dwelling unit as his or her primary residence (hereinafter "owner occupancy"). The property owner shall submit an affidavit in support of ~~conditional use~~ **a building permit for an** accessory dwelling unit to the ~~planning board~~ **code enforcement department** with his or her application ~~for conditional use permit~~, stating under oath that he or she satisfies the owner occupancy requirement of this subsection. ~~In addition, within 90 days of a transfer of title to any property subject to the terms and conditions of a conditional use permit for an accessory dwelling unit, the successor property owner shall submit to the planning department an affidavit in support of conditional use permit for accessory dwelling unit, stating under oath that he or she satisfies the owner occupancy requirement of this subsection.~~
 - a. The term "primary residence" for purposes of determining owner occupancy shall mean the location where the property owner is domiciled and has a place of abode, and the location where the property owner has, through all of his or her actions, demonstrated a current intent to designate said residence as his or her principal place of physical presence. Such an intent

PASSED

on the part of the property owner is evidenced by, among other things, his or her voter's registration, vehicle registration, driver's license, or the placement of his or her children in local public schools. Any temporary lapse of owner occupancy in the primary residence caused by the death of a property owner shall be permitted for a reasonable period of administration.

- b. If the owner of the property is a trust, the term "property owner" shall mean the creator or beneficiary of the trust.
 - c. If the owner of the property is a corporation, the term "property owner" shall mean ~~the principal~~ **a stockholder of the corporation; if the owner of the property is a limited liability corporation, then the "property owner" shall mean a member of the limited liability company.**
- (3) There shall be no more than two bedrooms in an accessory dwelling unit.
- (4) **Floor area.**
- a. An **attached** accessory dwelling unit shall have a minimum floor area of 400 square feet but, in no case, shall the floor area ~~comprise more than 30 percent of the gross floor space of the primary single-family dwelling~~ **be more than 800 square feet.**
 - b. A **detached dwelling unit shall have a minimum floor area of 400 square feet but, in no case, shall the floor area be more than 50 percent of the gross floor space of the primary single family dwelling or more than 1000 square feet.** An accessory dwelling unit shall comply with the city's housing and building codes.
- (5) Public water and sewer shall be required for all accessory dwelling units ~~located within the low density and low density-1 district. Accessory dwelling units created in the rural district~~ **or in the absence of public sewer**, shall have state septic system plan approval prior to the issuance of a building permit.
- (6) A scaled and dimensional plot plan of the property shall be submitted as part of the ~~conditional use~~ **building** permit application ~~to the planning board~~. This shall show the location and number of required parking spaces, driveway and paving, buildings building setbacks, utilities, fences, buffer yard and any other relevant features of the site.
- (7) Parking at an accessory dwelling unit shall be restricted to the required parking spaces as shown on the plan. No more than two parking spaces shall be permitted for an accessory dwelling unit, and all parking provided for the accessory dwelling unit shall in accordance with section 102-794 of the zoning ordinance.
- (8) Shared driveways for both the primary single-family dwelling unit preexisting conditions, no more than one driveway access is permitted to each residential lot as required by the City Code.

- ~~(9)~~—All dimensional requirements for the respective zoning district shall be observed.
- ~~(10)~~—The minimum lot size for creating an accessory dwelling unit in the low density district shall be 13,400 square feet. The minimum lot size for creating an accessory dwelling unit in the low density-1 district shall be calculated by increasing the minimum lot area as designated by ~~section 102-791, table Basic rural dimensional requirements~~, by 30 percent. The minimum lot size for creating an accessory dwelling unit in the rural district shall remain five acres.
- ~~(11)~~**(9)**—Adequate notice in acceptable legal form for recording at the registry of deeds shall be duly executed by the owner of record identifying the property on which the accessory dwelling unit is located by source deed and ~~stating the date and conditions of approval (if any) of the conditional use permit~~ sufficient to notify successor owners that the accessory dwelling unit is subject to the city's zoning ordinance and ~~the conditional use permit issued by the planning board~~. This notice shall be reviewed by the superintendent of code enforcement and ~~the planning director~~ **zoning administrator** for acceptable form, and upon signature, it shall be recorded at the registry by the property owner. Evidence of recording shall be submitted to the superintendent of code enforcement and the planning director prior to the issuance of a building permit.
- ~~(12)~~—A finding by the planning board that the proposed accessory dwelling unit will not result in a decrease in value of surrounding properties.

Kendall W. Lane, Mayor

| ZONE | | TMP | OWNER | MAILING ADDRESS | MAILING TOWN |
|------|-----|--|---|--------------------------|------------------------|
| 09 | AGR | 175010030000 | BLACK BROOK LOGISTICS LLC C/O C&S ATTN: REAL ESTATE | 7 CORPORATE DR. | KEENE, NH 03431 |
| 09 | AGR | 914060460000 | BLAIR FAMILY REV TRUST | 175 WEST SURRY RD. | KEENE, NH 03431 |
| 09 | AGR | 914060340000; 914060320000 | BRETWOOD GOLF COURSE | 0 EAST SURRY RD. | KEENE, NH 03431 |
| 09 | AGR | 918100080000; 918100180000 | C&S WHOLESALE GROCERS INC ATTN: REAL ESTATE | 7 CORPORATE DR. | KEENE, NH 03431 |
| 09 | AGR | 706010010000; 706010020000 | CARL S. & BARBARA B. DEMATTEO | 30 MOORE FARM RD. | KEENE, NH 03431 |
| 09 | AGR | 706010100000 | CHRISTOPHER J. MILLS | 14 CONCORD HILL DR. | KEENE, NH 03431 |
| 09 | AGR | 912260100000; 001010060000; 914060380000 | CITY OF KEENE CITY MANAGER | 3 WASHINGTON ST. | KEENE, NH 03431 |
| 09 | AGR | 706010150000; 706010140000 | CONCORD HILL ASSOCIATION C/O CARL S. DEMATTEO | 36 CONCORD HILL DR. | KEENE, NH 03431 |
| 09 | AGR | 706010110000 | CONCORD HILL ASSOCIATION C/O CARL S. DEMATTEO | 30 MOORE FARM RD. | KEENE, NH 03431 |
| 09 | AGR | 914060210000 | EDWARD A. KINGSBURY | 322 WEST ST | KEENE, NH 03431 |
| 09 | AGR | 913170050000 | EMILY T. & HERBERT B. SHAW | 712 COURT ST. | KEENE, NH 03431 |
| 09 | AGR | 909020170000 | EVAN J. LAUGHLIN | 8 MOORE FARM RD. | KEENE, NH 03431 |
| 09 | AGR | 912260090000 | GRATEFUL GAIT FARM LLC | 700 WEST ST. | KEENE, NH 03431 |
| 09 | AGR | 706010030000 | JOSHUA A. & JENNIFER E. GREENWALD | 39 CONCORD HILL DR. | KEENE, NH 03431 |
| 09 | AGR | 706010080000 | KENNETH V. & SARAH K. KIBURIS | 20 CONCORD HILL DR. | KEENE, NH 03431 |
| 09 | AGR | 706010040000 | KEVIN D. & SUSAN E. OXFORD | 38 CONCORD HILL DR. | KEENE, NH 03431 |
| 09 | AGR | 706010090000 | KRISTIN A. ROSSI | 16 CONCORD HILL DR. | KEENE, NH 03431 |
| 09 | AGR | 917110280000; 917120170000 | MARK A. & ALONA FLORENZ | 185 ARCH ST | KEENE, NH 03431 |
| 09 | AGR | 906240160000 | NANCY A. LEGERE REV. TRUST | PO BOX 565 | KEENE, NH 03431 |
| 09 | AGR | 706010060000 | PAUL D. HOFFMAN & ALLISON RILEY | 32 CONCORD HILL DR. | KEENE, NH 03431 |
| 09 | AGR | 914060310000 | QUINTON J. & PRISCILLA M. FARRAR | 67 WEST SURRY RD. | KEENE, NH 03431 |
| 09 | AGR | 706010070000 | SADASIVAN VENKAT | 28 CONCORD HILL DR. | KEENE, NH 03431 |
| 09 | AGR | 914060300000 | SECRETARY OF VETERANS AFFAIRS DEPT. OF VETERANS AFFAIRS VA REGIONAL LOAN CTR. | 3401 WEST END AVE. SUITE | NASHVILLE, TN 37203 |
| 09 | AGR | 917120020000; 912260120000; 502010180000 | STATE OF NH DEPT. OF TRANSPORTATION | PO BOX 483 | CONCORD, NH 03302 |
| 09 | AGR | 925010100000; 925010090000; 925010110000 | STONEWALL FARM C/O EXEC. DIR. | 242 CHESTERFIELD RD. | KEENE, NH 03431 |
| 09 | AGR | 907200070000 | THOMAS P. PUTNAM TRUST | PO BOX 323 | KEENE, NH 03431 |
| 09 | AGR | 909020180000 | THOMAS W. CONNELLY JR. REV. TRUST | 160 CONCORD RD. | KEENE, NH 03431 |

| ZONE | | TMP | OWNER | MAILING ADDRESS | MAILING TOWN |
|------|--------|---|--|---------------------|------------------------|
| 09 | AGR | 906240110100; 906240110000; 028020150000; 028020350000; 028020140000; 028020340000 | UNIVERSITY SYSTEM OF NH C/O DANIEL PETREE | 229 MAIN ST. | KEENE, NH 03431 |
| 09 | AGR | 909020160000 | WALTERS PROPERTY TRUST | PO BOX 666 | KEENE, NH 03431 |
| 09 | AGR | 706010050000 | WARREN J. STEINBERG | 36 CONCORD HILL DR. | KEENE, NH 03431 |
| 09 | AGR | 912260130000 | WKBK REALTY LLC | 57 WINDSOR CT. | KEENE, NH 03431 |
| 12 | OFFICE | 001010050000 | 105 WEST STREET LLC | 105 WEST ST. | KEENE, NH 03431 |
| 12 | OFFICE | 002010140000 | 129 WEST STREET ASSOCIATES | 129 WEST ST. | KEENE, NH 03431 |
| 12 | OFFICE | 002020120000 | 143 WEST STREET LLC | 143 WEST ST. | KEENE, NH 03431 |
| 12 | OFFICE | 001040130000 | 28 MIDDLE STREET REALTY LLC | 28 MIDDLE ST. | KEENE, NH 03431 |
| 12 | OFFICE | 017050100000 | AHR LLC | 85 WASHINGTON ST. | KEENE, NH 03431 |
| 12 | OFFICE | 003040060000 | AMERICAN NATIONAL RED CROSS | 2 MAITLAND ST. | CONCORD, NH 03301 |
| 12 | OFFICE | 001050150000 | ASPASIA N. BALLAS | 31 SUMMER ST. | KEENE, NH 03431 |
| 12 | OFFICE | 003040080000 | BASKETVILLE OF PARADISE INC | 314 WILTON RD. | MASON, NH 03048 |
| 12 | OFFICE | 001030010000; 017060050000; 003030020000 | BEAUREGARD FAMILY REV. TRUST | 57 WASHINGTON ST. | KEENE, NH 03431 |
| 12 | OFFICE | 017010020000 | BEAUREGARD FAMILY REV. TRUST | 127 WASHINGTON ST | KEENE, NH 03431 |
| 12 | OFFICE | 001040110000 | BERMANT-MURRAY FAMILY REV. TRUST | 160A HIGH ST. | AMHERST, MA 01002 |
| 12 | OFFICE | 003060100000 | BRAYSHAW ASSET MANAGEMENT LLC | 4 APPALOOSA RUN | CONCORD, NH 03301 |
| 12 | OFFICE | 001040010000 | CARROLL A. & PATRICIA F. SAWYER | 38 MIDDLE ST. | KEENE, NH 03431 |
| 12 | OFFICE | 003060120000 | CHARLES A. & BONNIE L. CASERTA | 694 WENTWORTH RD | WALPOLE, NH 03608 |
| 12 | OFFICE | 001010040000 | CHESHIRE HOUSING TRUST | 168 CASTLE ST. | KEENE, NH 03431 |
| 12 | OFFICE | 003030030000 | D. M. & B. REALTY TRUST C/O ROGER DESILETS | 67 HIGHLAND ST. | WORCESTER, MA 01609 |
| 12 | OFFICE | 001030050000 | FRANK A. DEPIPPA | PO BOX 1347 | HAMPTON, NH 03843 |
| 12 | OFFICE | 001050120000 | FREDERICK K. WATSON C/O GENERAL TOURS | 53 SUMMER ST. | KEENE, NH 03431 |
| 12 | OFFICE | 003040050000 | HAYWARD-ELLIS HOUSE LLC | PO BOX 323 | KEENE, NH 03431 |
| 12 | OFFICE | 028020150100 | HISTORICAL SOCIETY OF CHESHIRE COUNTY c/o PRESIDENT | 246 MAIN ST. | KEENE, NH 03431 |
| 12 | OFFICE | 001030030000 | JODY A. & KRISTEN LEACH | 37 MIDDLE ST. | KEENE, NH 03431 |
| 12 | OFFICE | 016030050000 | JTP PROPERTIES LLC | PO BOX 314 | KEENE, NH 03431 |

| | ZONE | TMP | OWNER | MAILING ADDRESS | MAILING TOWN |
|----|--------|---|--|--------------------------|------------------------------|
| 12 | OFFICE | 016030030000 | JULIANA T. BERGERON | 410 MAIN ST. | KEENE, NH 03431 |
| 12 | OFFICE | 017060040000 | KEENE CONGREGATIONAL SOCIETY | 69 WASHINGTON ST. | KEENE, NH 03431 |
| 12 | OFFICE | 001050180000 | KEENE SENIOR CITIZENS INC c/o PEGG MONAHAN, EXEC. DIR. | 70 COURT ST. | KEENE, NH 03431 |
| 12 | OFFICE | 028020240000; 028020230000 | LEONARD L. WELDON & MARGARET FOX-WELDON | 165 SOUTH LINCOLN ST. | KEENE, NH 03431 |
| 12 | OFFICE | 001030060000 | LEONIDS REALTY LLC | 27 -29 CENTER ST. | KEENE, NH 03431 |
| 12 | OFFICE | 001030020000 | LINDA L. STAVELY | 18 SUMMER ST. | KEENE, NH 03431 |
| 12 | OFFICE | 003060110000 | LLB ASSOCIATES OF KEENE | PO BOX 472 | KEENE, NH 03431 |
| 12 | OFFICE | 001030090000; 001030110000; 001030080000; 001030100000 | MGJ REALTY LLC | PO BOX 562 | KEENE, NH 03431 |
| 12 | OFFICE | 017050080000 | MJMC PROPERTIES LLC | 109 WASHINGTON ST. APT. | KEENE, NH 03431 |
| 12 | OFFICE | 001030070000 | MONADNOCK UNITED FUND ATTN: LIZ LAROSE | 23 CENTER ST. | KEENE, NH 03431 |
| 12 | OFFICE | 001050170000 | NANCY E. BURK | PO BOX 413 | KEENE, NH 03431 |
| 12 | OFFICE | 003040070000 | NBA 81 REALTY LLC | 81 COURT ST. | KEENE, NH 03431 |
| 12 | OFFICE | 016030070000 | NILMAH MANAGEMENT LLC | 155 WASHINGTON ST. | KEENE, NH 03431 |
| 12 | OFFICE | 016030040000 | PATRICK J. ENRIGHT | 165A SOUTH RD. | BEDFORD, NH 03110 |
| 12 | OFFICE | 001050110000 | PATTAVINA PROPERTY MANAGEMENT LLC | 38 ANTRIM RD. | HANCOCK, NH 03449 |
| 12 | OFFICE | 001030040000 | PETR S. ESPIEFS | 29 MIDDLE ST. | KEENE, NH 03431 |
| 12 | OFFICE | 001040100000 | PLANNED PARENTHOOD OF NORTHERN NEW ENGLAND | 784 HERCULES DR. SUITE 1 | COLCHESTER, VT 05446-8049 |
| 12 | OFFICE | 002010150000 | RCLPC REAL ESTATE LLC | 117 WEST ST. | KEENE, NH 03431 |
| 12 | OFFICE | 016030060000 | RICHARD D. PAYNE & VIRGINIA WILSON | 163 WASHINGTON ST. | KEENE, NH 03431 |
| 12 | OFFICE | 001040080000; 001040090000; 919080010000 | RICHARD D. POWERS & NANCY C. LIVING TRUST | 370 OLD WALPOLE RD. | KEENE, NH 03431 |
| 12 | OFFICE | 017010010000 | RISE FOR BABY AND FAMILY ATTN: TONI ELLSWORTH | 147 WASHINGTON ST. | KEENE, NH 03431 |
| 12 | OFFICE | 001050160000 | SOFIA C. CUNHA-VASCONCELOS | 21 SUMMER ST. | KEENE, NH 03431 |
| 12 | OFFICE | 001040120000 | SOUSA PAULA NOLAN & NOLAN BRENT SOUSA | 22 MIDDLE ST. | KEENE, NH 03431 |
| 12 | OFFICE | 001050190000 | STEPHEN B. BRAGDON & CHERYL BELAIR | PO BOX 465 | KEENE, NH 03431 |
| 12 | OFFICE | 017050070000 | TD PROPERTIES OF KEENE LLC | PO BOX 768 | KEENE, NH 03431 |
| 12 | OFFICE | 001030170000 | THOMAS & JEANANN JACOBS | 7 ALLEN CT. | KEENE, NH 03431 |
| 12 | OFFICE | 001040070000 | THOMAS P. & ANN L. SAVASTANO | PO BOX 721 | KEENE, NH 03431 |
| 12 | OFFICE | 001040060000 | THOMAS R. HANNA | 41 SCHOOL ST. | KEENE, NH 03431 |
| 12 | OFFICE | 001050130000 | TREVOR R. BONNETTE | 221 NORTHFIELD RD | HINSDALE, NH 03451 |

| ZONE | | TMP | OWNER | MAILING ADDRESS | MAILING TOWN |
|------|--------|--|--|-----------------|-----------------------|
| 12 | OFFICE | 002020110000; 002020100000 | TRIJA REALTY LLC | 151 WEST ST. | KEENE, NH 03431 |
| 12 | OFFICE | 002030130000 | TUTHILL PROPERTIES LLC | 2132 ROUTE 9 | STODDARD, NH 03464 |
| 12 | OFFICE | 001050140000 | WILLIAM K. SCHOFIELD | 27 DUBLIN RD. | JAFFREY, NH 03452 |
| 16 | HD-1 | 110010070000 | KEENE CHURCH OF THE NAZARENE REV. JOHN F. REILLY | 55 MAPLE AVE. | KEENE, NH 03431 |
| 16 | HD-1 | 110010060000 | PARKWOOD REALTY TRUST | 681 PARK AVE. | KEENE, NH 03431 |
| 16 | HD-1 | 110010010000 | PPJ LTD. PARTNERSHIP | 681 PARK AVE. | KEENE, NH 03431 |
| 18 | LD-1 | 918100010000; 918100140000; 917150010000 | FILTRINE MANUFACTURING COMPANY INC. | 15 KIT ST. | KEENE, NH 03431 |



City of Keene, N.H.
Transmittal Form

June 29, 2017

TO: Mayor and Keene City Council

FROM: John Rogers, Acting Health Director

THROUGH: Medard Kopczynski, City Manager

ITEM: H.1.

SUBJECT: Relating to Ch. 102 - Zoning Ordinance - Accessory Dwelling Unit

COUNCIL ACTION:

In City Council July 20, 2017.

The memorandum was filed into the record.

Referred the Ordinance to Joint Planning Board/Planning, Licenses and Development Committee.

RECOMMENDATION:

That the attached Ordinance O-2017-10, relative to Accessory Dwelling Units, be referred to the Joint Planning Board/Planning, Licenses and Development Committee for consideration and a recommendation back to City Council.

ATTACHMENTS:

Description

Application

Ordinance O-2017-10

BACKGROUND:

The purpose of this amendment is to make changes to the City's current Accessory Dwelling Unit ("ADU") ordinance to correspond to NH RSA 674:72 regarding ADU's. A municipality that adopts a zoning ordinance pursuant to the authority of Chapter 674, shall allow ADUs as a matter of right, or by either conditional use permit pursuant to RSA 674:21, or by special exception, in all zoning districts that permit single-family dwellings. One ADU shall be allowed without additional requirements for lot size, frontage, space limitations, or other controls beyond what would be required for a single-family dwelling without an ADU. The municipality is not required to allow more than one ADU for any single-family dwelling. If a zoning ordinance contains no provisions pertaining to ADUs, then one ADU shall be deemed a permitted accessory use, as a matter of right, to any single-family dwelling in the municipality, and no municipal permits or conditions shall be required other than a building permit, if necessary.

Supplemental Staff Report – Ordinance O-2016-01-B

for a Joint Committee Workshop August 14, 2017

The Marlboro Street Re-Zoning Project: Proposed Final Zoning District Revisions

Introduction

The Joint Planning, Licenses and Development Committee and Planning Board began its review of the proposed zoning changes recommended by the 2013 Marlboro Street Re-Zoning Project at their April 11, 2016 workshop.

Most recently, on June 15, 2017, the Marlboro Street Rezoning Project Ordinances O-2016-01-B (proposing new zoning districts) and O-2016-02-A (proposing map changes) were presented at a City Council Public Hearing. A presentation described the project for the purpose of gathering public comments. Two residents did comment; both of their comments were favorable with the exception of one concern regarding the proposed owner occupancy affidavit requirement. The mayor "...noted they are aware there are some issues with the language relative to owner occupied duplexes that (would) be addressed."

At the July 6th City Council Meeting both ordinances were referred back to the Planning, Licenses and Development Committee "...for the inclusion of language for the purpose of NH RSA 79-E redevelopment efforts and to address structural inconsistencies in the Ordinance." Additionally, the Mayor tabled Ordinance O-2016-02-A until changes to O-2016-01-B were completed.

At the July 26th Planning, Licenses and Development Committee meeting, City Councilors discussed many aspects of NH RSA 79-E, a temporary, property tax relief program to aid in the redevelopment of underutilized buildings in Keene. The subject of the Marlboro Street's proposed new districts was raised and the suggestion was made to revise the language of the "Intent Statements" for the proposed Business Growth and Re-Use (BGR) and the Neighborhood Business (NB) zoning districts to facilitate for the possibility of utilizing this tax relief incentive should the City decide to adopt NH RSA 79-E.

And so, text changes are shown on the attached **Red-Line O-2016-01-B** which:

- 1) Would facilitate the possibility of utilizing NH RSA 79-E for two of the proposed zoning districts, if the City Council adopts NH RSA 79-E as part of a separate ordinance.
- 2) Removes all language and table notes referring to any aspect of an owner occupancy requirement from the ordinance,
- 3) Corrects three other structural inconsistencies:
 - a. Adds "Duplex/Two Family" and "Single-Family" uses to the Neighborhood Business Zoning District
 - b. Adds "Mixed-Use Development" to the proposed Business Growth and Re-Use and Neighborhood Business "Permitted Principal Uses" tables
 - c. Moves all of the Proposed Dimensional Requirements from the ordinance to the "Basic Zone Dimensional Requirements Table"

It can be noted that the proposed O-2016-02-A (map changes) remains unchanged.

1) Creating the Ability to Utilize a Possible NH RSA 79-E Program

NH RSA 79-E, as mentioned earlier, is a temporary, property tax relief program designed to encourage investment in a "downtown or village center" and to rehabilitate under-utilized buildings in these areas. Due to the physical location of the Marlboro Street project's proposed districts, a slight modification to the "Intent Statement" describing each of the districts would facilitate the program, if adopted by the City Council, to be utilized incentivizing revitalization within the project area. The Intent Statement for the proposed Business Growth and Re-Use zoning district currently states in Div. 22. Sec. 102-771.0:

“The intent of this district is to enhance the economic vitality of the area by re-developing with new technology companies as well as clean manufacturing, processing, assembling and wholesaling businesses within a walkable, human-scaled place.”

The proposed, revised text states:

“The intent of this **section is to create an additional downtown zoning** district ~~is~~ to enhance the economic vitality of the area by re-developing with new technology companies as well as clean manufacturing, processing, assembling and wholesaling businesses within a walkable, human-scaled place.”

This text change would allow the proposed Business Growth and Re-Use zoning district to utilize the NH RSA 79-E property tax relief program. The intent language of the proposed NB zoning district at Div. 22. Sec. 102-772.0 was similarly revised.

2) Removal of ALL Owner Occupancy Requirement Language for New “Duplex/Two Family” Dwellings in the Residential Preservation Zoning District

A new state law, RSA 674:72 specifically allows communities to require owner occupancy for new accessory dwelling units abbreviated as “ADUs”. The City’s attorney has stated that this new law points out that there is no equivalent statutory statement enabling communities to create this requirement for other multiple dwelling units. All language and notes referring to any aspect of an owner occupancy requirement have now been removed from the ordinance and the “Permitted Principal Uses” table.

3)a. Adding “Duplex/Two Family” and “Single-Family” Uses to the Neighborhood Business Zoning District

It came to staff’s attention that these two uses had been left off of the appropriate “Permitted Principal Uses” table. It is true that the intent of this proposed zoning district is to encourage a greater sense of vitality on Marlboro Street by allowing and encouraging a greater density of mixed-use, small businesses located right at the sidewalk. However, this intention was not meant to come at the expense of reducing the residential component of the neighborhood. Therefore these uses have been added to the Div. 22. Sec. 102-772.10 proposed Neighborhood Business zoning district’s “Permitted Principal Uses” table.

3)b. Adding “Mixed-Use Development” to the Proposed BGR and NB “Permitted Principal Uses” Tables

Similarly, while the term “mixed-use development” is in the intent statements of both the proposed Business Growth and Re-Use zoning district as well as the proposed Neighborhood Business zoning district, staff had neglected to add the term as a Permitted Principal Use for each of the districts. The use has now been added to Div. 22. Sec. 102-771.10 and Div. 22. Sec. 102-772.10, both tables.

3)c. Moving all of the Proposed Dimensional Requirements from the O-2016-01-B to Keene’s “Basic Zone Dimensional Requirements Table”

Separate tables of dimensional requirements for each of the proposed zoning districts were helpful during the project to isolate information by each zoning district for discussion, verses trying to distinguish the information from within Table 1, Sec. 102-791, the Basic Zone Dimensional Requirements in the City’s zoning ordinance, see attached. Currently, separate tables are used for Overlay District ordinances. However the proposed dimensional requirements needed to be removed from this ordinance and added to the main table for consistency as shown on the attached and revised Basic Zone Dimensional Requirements” Table 1, Sec. 102-791. Therefore the text: “**- refer to Table 1 in Sec. 102-791 Basic Zone Dimensional Requirements**” has been added to **Sec. 102-770.2, Sec. 102-771.4 and Sec. 102-772.2** the **Density, Height, Dimensional Regulations** for all three proposed zoning districts.

Recommendation

Approve the proposed revisions as shown on the attached **Red-Line O-2016-01-B** and the revised “Basic Zone Dimensional Requirements” Table 1, Sec. 102-791, regarding proposed new zoning districts and revised zoning definitions for the Marlboro Street Re-Zoning project:

1. Planning Board Committee members vote for the ordinances’ consistency with the Master Plan and,
2. The Planning, Licenses and Development Committee members vote to set a City Council Public Hearing for the ordinances on September 7.

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Marlboro Zoning Ordinance – O-2016-01-B

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

1. That the Ordinances of the City of Keene, Article IV. Division I. Section 102-241(a). Establishment and boundary lines, are amended by adding the following districts to *District Titles* as follows:

- a) Residential Preservation - RP
- b) Business Growth and Re-Use - BGR
- c) Neighborhood Business – NB

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

Division 21. - Residential Preservation (RP)

Sec. 102-770. – Intent

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

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

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

| | |
|---|--|
| Permitted Use | Subject to the Following: |
| Accessory Dwelling Unit (ADU) | < 1,500 800 SF |
| Bed & Breakfast Inn/Tourist Home | |
| Bed & Breakfast w-Meeting/Dining Facilities | Special Exception |
| Single-Family Dwelling | |
| Duplex/Two-Family Dwelling | Affidavit of owner occupancy for new structures with Certificate of Occupancy |
| Noncommercial Raising of Farm Animals | |
| Nursery/Child Care Facility | < 2,500 SF |

~~Sec. 102-770.2 – General~~

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

Sec. 102-770.32 – Density, Height, Dimensional Regulations – refer to Table 1 in Sec. 102-791 Basic Zone Dimensional Requirements.

| Residential Preservation Zoning District Density, Height and Dimensional Regulations | | | | | | | | |
|--|------------------|------------------------------------|--------------------------|------------------------------------|-----------------------------------|-----------------------------------|---|---|
| MAXIMUM BUILDING HEIGHT – STORIES | MINIMUM LOT SIZE | MINIMUM LOT SIZE PER DWELLING UNIT | ALLOWABLE DWELLING UNITS | MINIMUM LOT WIDTH AT BUILDING LINE | MINIMUM SETBACKS; BUILDINGS | MAXIMUM % OCCUPIED BY STRUCTURE/S | MAXIMUM % OF LOT IMPERMEABLE (Buildings & Pavement) | MINIMUM % GREEN/OPEN SPACE (not gravel) |
| 2 | 8,000 SF | 5,400 SF | 2 | 60' | 15' Front 10' Side 20' Rear | 35% | 45% | 55% |

Sec. 102-770.43 -5 - Reserved

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

Sec. 102-771.0 – Intent

The intent of this section is to create an additional downtown zoning district is to enhance the economic vitality of the area by re-developing with new technology companies as well as clean manufacturing, processing, assembling and wholesaling businesses within a walkable, human-scaled place. The district provides height, density, and mixed-use incentives to attract redevelopment adjacent to Keene’s urban core. Existing infrastructure and services as well as

access to the Cheshire Rail Trail offers Smart Growth opportunities. Creative development is encouraged alongside the Beaver Brook corridor, utilizing Keene's environmentally-progressive planning policies and adaptive re-use tradition:

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

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

| Permitted Use | Subject to: |
|--|--|
| Assembly | Any one use may occupy no more than 30,000 gross square feet of floor space. Special exception subject to criteria for > 30,000 square feet. |
| Bed and Breakfast Inn/Tourist Home | |
| Bed and Breakfast with Meeting/Dining Facilities | |
| Bulk Storage & Distribution of g Goods, a Accessory to m Main m Manufacturing u Use | Any one use may occupy no more than 30,000 gross square feet of floor space. Special exception subject to criteria for > 30,000 square feet. |
| College: u Undergraduate, g Graduate and i Industrial t Training p Programs | Any one use may occupy no more than 30,000 gross square feet of floor space. Special exception subject to criteria for > 30,000 square feet. |
| Health & Fitness Center | Special Exception required for all outdoor activities. Accessory use only. |
| Historic Site | |
| Home Occupation/Live-Work | |
| Home Offices (Insurance/Publishing Companies, Manufacturing Firms) | |
| Manufacturing/Processing | Any one use may occupy no more than 30,000 gross square feet of floor space. Special exception subject to criteria for > 30,000 square feet. |
| Mixed-Use Development | |
| Multi-Dwelling Structure | Special condition: mixed use only when connected to a commercial or industrial use. |
| Neighborhood Grocery Store | < 3,500 SF |
| Nursery/Greenhouse | |
| Office, Small Scale Corporate, Business or Professional Purposes | Any one use may occupy no more than 20,000 gross square feet of floor space. Special exception subject to criteria for > 20,000 square feet. |

| | |
|-----------------------------------|--|
| Repair Garage | Condition: All outside vehicles must be screened from view by a minimum six-foot-high impervious fence or hedge |
| Research & Development Laboratory | Any one use may occupy no more than 30,000 gross square feet of floor space. Special exception subject to criteria for > 30,000 square feet. |
| Restaurant | As distinguished from a bar and less than 50 seats. |
| Warehousing | Any one use may occupy no more than 30,000 gross square feet of floor space. Special exception subject to criteria for > 30,000 square feet. |
| Wholesaling | Any one use may occupy no more than 30,000 gross square feet of floor space. Special exception subject to criteria for > 30,000 square feet. |

Sec. 102-771.2 – General

- (1) Buildings may have more than one principal façade and/or entry.
- (2) New buildings which have a property line along Beaver Brook are encouraged to face Beaver Brook as an amenity.
- (3) For ecological and aesthetic reasons, the City encourages Beaver Brook’s Floodway, i.e. “No-Build Setback Strip” to be maintained as an open, strip of native grasses and wildflower meadow from NH Route 12 to Railroad Street. The City also encourages an easement be granted to the City for a walking and bicycling trail connection along this Floodway from NH Route 12 along Beaver Brook to the City’s Rail Trail connection at Water Street.
- (4) Service alleys shall be no more than 15 feet wide.
- (5) Lighting and windows onto a service alley shall be placed at regular, evenly-spaced intervals.
- (6) Ground-level HVAC units are not permitted unless completely screened from street, sidewalk, path and street views.

Sec. 102-771.3 – New Building Incentive Option

Application procedures and information required:

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

application fee (collectively identified as the "application") to the zoning administrator to initiate this process.

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

(1) A description of the complete project and what strategies will be employed to obtain a green building certification.

(2) The green building system and level of attainment proposed for the project.

a. LEED®, Green Globes, the National Green Building Standard (ICC 700), and the International Green Construction Code are the acceptable Green Building Rating systems for this article.

b. Demonstrated compliance with these systems will permit pre-certification.

(3) All necessary information to allow an informed decision regarding the applicant's ability to comply with the chosen rating system.

(4) Statement that the applicant releases the City of Keene, its officers, employees, agents and servants from any liability if the applicant is unsuccessful in efforts to attain green building certification or equivalent, as identified in this article.

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

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

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

- (1) Eligible for BGR district incentives, or
 - (2) Ineligible for BGR district incentives.
- (e) Once the zoning administrator has issued a decision that the project is eligible, the applicant cannot change the proposed green building rating system without first obtaining the approval of the zoning administrator. In making this re-determination, the zoning administrator may require that the proposed change(s) be submitted to a third-party reviewer as provided by this article.
- (f) Upon application, the applicant shall submit the review of the third-party and any acceptances or certifications from green rating agencies to demonstrate compliance with the proposed green building rating system or code.
- (g) Prior to the issuance of a certificate of occupancy, the zoning administrator shall receive certification or documentation from the qualified third-party reviewer that the as-built project has achieved the proposed rating system. No certificate of occupancy or temporary certificate of occupancy shall be issued without demonstrated evidence supplied by the applicant and third-party reviewer that the project has achieved the proposed level of green building compliance.

Sec. 102-771.4 – Density, Height, Dimensional Regulations – refer to Table 1 in Sec. 102-791 Basic Zone Dimensional Requirements.

| MAXIMUM BUILDING HEIGHT—STORIES | MAXIMUM BLDG. HEIGHT—STORIES (w/ 1st Floor Parking) | MINIMUM LOT SIZE | MINIMUM BUILDING SETBACKS | MINIMUM SETBACK between STRUCTURE & IMPERVIOUS PAVED AREAS | MAXIMUM BUILDING SETBACK from FRONT PROPERTY LINE | MAXIMUM % OCCUPIED BY STRUCTURE | MAXIMUM % OF LOT IMPERMEABLE (Includes Structures & Paving) | MINIMUM LANDSCAPE BUFFER from STRUCTURES | MINIMUM % GREEN/OPEN SPACE (not gravel) |
|---------------------------------|---|------------------|---------------------------|--|---|---------------------------------|---|--|---|
| 2 | 4 | 8,000 SF | 5' Front* | 10' | 10'* | 55 | 65 | 10' Front | 35 |
| | | | 10' Side | | | | | 10' Side | |
| | | | 20' Rear | | | | | 10' Rear | |

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

- (1) A new structure constructed within the BGR District shall have no fewer than two stories.
- (2) Projects that meet eligibility requirements may take advantage of additional building height opportunities.
- (3) With regard to the front building setback of five feet from any Marlboro Street property line, minor deviations equal to a maximum of 25 percent of street frontage are permitted for parks, open space, plazas or such architectural features as recesses, niches, ornamental

projections, entrance bays, or other articulations of the façade, unless otherwise prohibited by City Code.

- (4) With regard to the front building setback of ten feet from any other street frontage property line in the BGR District, minor deviations equal to a maximum of 33 percent of building frontage are permitted for parks, open space, patio space or such architectural features as recesses, niches, ornamental projections, entrance bays, or other articulations of the façade, unless otherwise prohibited by City Code.
- (5) First floors are encouraged to be designated for vehicular or bicycle parking only. An additional story of building height is offered as an incentive.

Sec. 102-771.5 - Parking Regulations and Incentives

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

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

Division 23 - Neighborhood Business District (NB)

Sec. 102-772.0 – Intent

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

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

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

| Permitted Use | Subject To: |
|--|-------------------|
| Accessory Dwelling Unit (ADU) | < 800 SF |
| Bed and Breakfast Inn/Tourist Home | |
| Bed and Breakfast with Meeting/Dining Facilities | Special Exception |
| Duplex /Two Family Dwelling | |
| Funeral Parlor | < 3,750SF |
| Health & Fitness Center | < 2,500 SF |
| Historic Site | |
| Home Occupation/Live- Work | |
| Mixed-Use Development | |
| Multi-Dwelling Structure | |
| Neighborhood Grocery Store | < 3,500 SF |
| Nursery/Greenhouse | < 5,000 SF |
| Nursery/Child Care Facility | < 3,000SF |
| Office, Professional | <5,000 SF |
| Restaurant | <3,500 SF |
| Retail Sales/Service | <3,500 SF |
| Single Family Dwelling | |

Sec. 102-772.2 – Density, Height, Dimensional Regulations – refer to Table 1 in Sec. 102-791 Basic Zone Dimensional Requirements.

| MAXIMUM BUILDING HEIGHT—STORIES | MAXIMUM BLDG. HEIGHT—STORIES (w/ 1st Floor Parking) | MINIMUM LOT SIZE | MINIMUM BUILDING SETBACKS | MINIMUM SETBACK between STRUCTURE & IMPERVIOUS /PAVED AREAS | MAXIMUM BUILDING SETBACK from FRONT PROPERTY LINE | MAXIMUM % OCCUPIED BY STRUCTURE | MAXIMUM % OF LOT IMPERMEABLE (Includes Structures & Paving) | MINIMUM LANDSCAPE BUFFER from STRUCTURES | MINIMUM % GREEN/OPEN SPACE (not gravel) |
|---------------------------------|---|------------------|-----------------------------------|---|---|---------------------------------|---|--|---|
| 2 | 4 | 8,000 SF | 5' Front* 10' Side 20' Rear | 10' | 10'* | 55 | 65 | 10' Front 10' Side 10' Rear | 35 |

*Minor deviations equal to a maximum of 33 percent of building frontage are permitted for parks, open space, patio space or such architectural features as recesses, —

Sec. 102-772.32 Parking Regulations

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

Sec. 102-772.4-9 – Reserved

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

Alteration - means any construction or renovation to an existing structure other than repair or addition. Applied to a building this means a change or rearrangement in the structural parts, and can include flood proofing or other modifications.

Bed and Breakfast with Meeting/Dining Facilities – means a residential structure consisting of nine (9) or fewer bedrooms rented on a temporary, short term basis for overnight sleeping purposes. Said facility shall have common eating and living areas and provide on-site management on a twenty-four (24) hour basis. Meals shall be served to registered guests only.

Building – means any structure used or intended for sheltering any use or occupancy.

Dwelling, Unit – means a single unit providing complete, independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking and sanitation. Structure types:

Single Family Dwelling - means a detached dwelling unit located on its own lot, designed for, or intended to be occupied by one family.

Duplex/Two-Family Dwelling - means one building designed, occupied or intended for occupancy by two separate families; each a complete, independent living facility with separate, permanent, full provisions for sleeping, eating, cooking and sanitation. Each of the two dwelling units shall provide complete internal access to all rooms in the unit

Multi-Dwelling Structure – means a structure that contains three or more dwelling units that share common walls or floor/ceilings with one or more units. The land underneath the structure is not divided into separate zoning lots. Buildings with more than one set of

cooking facilities are considered to contain multiple dwelling units unless the additional cooking facilities are clearly incidental and accessory.

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

Nursery/Child Care Facility – means an establishment, licensed under the provisions of NH state law, for the care and supervision of a child away from the child’s home and apart from the child’s family.

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

Research and Development Laboratory – means a structure or complex of structures designed or used primarily for research development functions.

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

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

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

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

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

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

| | Zones | | | | | | | | | | | | | | | | | | | | | |
|---|---------|--------------|------------------|-----------|-----------|--------------|--------------|----------|-------------|-----------|-----------|-----------|--------------|--------|---------|------------|-----------|---------|----------|----------|----------|------|
| | C | A | R | LD | LD-1 | MD | HD | HD-1 | CB | CBL | COM | CL | O | I | IP | IPL | CP | HC | RP | BGR | NB | |
| Maximum building height (in stories above grade not including habitable attics) | 2 | 2 | 2 | 2 | 2 | 2 | 2 | 3 | 4 (b) | 4 | 2 (b) | 2 | 2 | 2 (b) | 2 (b) | 2 | N/A | 4 | 2 | 2 | 2 | |
| Maximum building height (in feet) | 35 | 35 | 35 | 35 | 35 | 35 | 35 | 50 | 55 (b), (l) | 55 | 35 (b) | 35 | 35 | 35 (b) | 35 (b) | 50 | 60 | 55 | | | | |
| Maximum building height w/ 1st floor parking only | | | | | | | | | | | | | | | | | | | | | 4 | 4 |
| Maximum building height for Incentive-Eligible Projects | | | | | | | | | | | | | | | | | | | | | 3 | |
| Maximum building height for Incentive-Eligible Projects w/ 1st floor parking only | | | | | | | | | | | | | | | | | | | | | 5 | |
| Minimum lot area | 5 acres | 10 acres (i) | 5 acres (a), (e) | 10,000 sf | 1 acre(p) | 8,000 sf | 6,000 sf | 2 acres | None | 10,000 sf | 15,000 sf | 20,000 sf | 8,000 sf | None | 4 acres | 5 acres | 2 acres | 2 acres | 8,000 SF | 8,000 SF | 8,000 SF | |
| Minimum lot area for Incentive-Eligible Projects | | | | | | | | | | | | | | | | | | | | | None | |
| Minimum lot area per dwelling unit | n/a | 10 acres (i) | 5 acres | 10,000 sf | 1 acre(p) | 5,400 sf (k) | 5,000 sf (k) | 3,000 sf | n/a | n/a | n/a | n/a | 5,400 sf (k) | n/a | n/a | n/a | n/a | n/a | 5,400 SF | | | |
| Allowable Dwelling Units | | | | | | | | | | | | | | | | | | | | | 2 | |
| Minimum lot width at building line (in feet) | 200 | 200 | 200 | 70 | 75 | 60 | 50 | 150 | None | None | None | 100 | 60 | None | None | 200 | 200 | 50 | 60 | | | |
| Minimum front setback (in feet) | 50 | 50 | 50 | 15 | 15 | 15 | 15 | 50 | None | 20 | 20 | 100 | 15 | 20 | 50 | 200 | 40 | 50 | 15 | 5*/** | 5*/** | |
| Maximum building setback from front property line | | | | | | | | | | | | | | | | | | | | | 10** | 10** |
| Minimum rear setback (in feet) | 50 | 50 | 50 | 20 | 20 | 15 | 15 | 15 | None | 20 | 20 (d) | 20 (d) | 15 | 20 (d) | 50 | 75/100 (f) | 50/75 (j) | 20 (o) | 20 | 20 | 20 | |
| Three-story structures only | | | | | | | | 50 | | | | | | | | | | | | | | |
| Minimum side setback (in feet) | 50 | 50 | 50 | 10 | 10 | 10 | 10 | 10 | None | 20 | 20 | 20 | 10 | 15 | 30 | 75/100 (f) | 50/75 (j) | 20 (o) | 10 | 10 | 10 | |
| Three-story structures only | | | | | | | | 50 | | | | | | | | | | | | | | |
| Maximum percentage of lot occupied by structures | 10 | 10 | 10 | 35 | 30 | 45 | 55 | 55 | 100 | 60 | 80 | 40 | 50 | 80 | 25 | 25 | 30 | 55 | 35 | 55 | 55 | |
| Maximum percentage of lot covered by impermeable material (includes structures) | 20 | 20 (c) | 20 | 45 | 35 | 60 | 75 | 75 | 100 | 80 | 80 | 70 | 70 | 80 | 70 | 50 | n/a | 75 | 45 | 65 | 65 | |
| Minimum percentage of green/open space | | | | 55 | 65 | 40 | 25 | 25 | None | 20 | 20 | 30 | 30 | | | | | 25 | 55 | 35 | 35 | |

| Zones | | | | | | | | | | | | | | | | | | | | | | |
|---|------|------|------|------|-----------|------|------|------|------|------|------|------|------|------|------|-----------|-----------|--------|----|-----|----|----|
| | C | A | R | LD | LD-1 | MD | HD | HD-1 | CB | CBL | COM | CL | O | I | IP | IPL | CP | HC | RP | BGR | NB | |
| Minimum green space between residential structures and parking, all sides (in feet) | | | | | | | | 10 | | | | | | | | | | | | | | |
| Minimum buffer between structures and Impervious/Paved areas | | | | | | | | | | | | | | | | | | | | | 10 | 10 |
| Minimum open space setback; structure from 100-year floodway line (all sides) | | | | | | | | | | | | | | | | | | | | | 20 | |
| Minimum front setback of open space | | | | | | | | | | | 20 | | | | | | | | | | | |
| Minimum Landscape Buffer at Structures (all sides) | | | | | | | | | | | | | | | | | | | | | 10 | 10 |
| Minimum front setback of paved and unpaved parking and travel surfaces (in feet) | None | None | None | None | | None | None | 10 | None | (m) | (m) | (m) | 5 | None | None | 50/10 (g) | 20/30 (j) | 10 | | | | |
| Minimum side setback of paved and unpaved parking and travel surfaces (in feet) | None | None | None | None | | None | None | 10 | None | (m) | (m) | (m) | 5 | None | None | 25/50 (f) | 20/40 (j) | 10 (o) | | | | |
| Minimum rear setback of paved and unpaved parking and travel surfaces (in feet) | None | None | None | None | | None | None | 10 | None | (m) | (m) | (m) | 5 | None | None | 25/50 (f) | 20/40 (j) | 10 (o) | | | | |
| Required frontage (in feet) | 50 | 50 | 50 | 60 | 100(q)(r) | 50 | 50 | 50 | 50 | 80 | 50 | 100 | 50 | 50 | 50 | 200 (h) | 100 | 50 | | | | |
| Percentage of lot retained in vegetated/natural state | n/a | n/a | n/a | n/a | n/a | n/a | n/a | n/a | n/a | n/a | n/a | n/a | n/a | n/a | n/a | n/a | 40 | n/a | | | | |
| Required depth (in feet) | None | None | None | None | None | None | n/a | None | None | None | None | None | None | None | None | 150 | None | | | | | |
| * The front building setback shall be 5' maximum from a Marlboro Street frontage. | | | | | | | | | | | | | | | | | | | | | | |
| ** Minor deviations equal to a maximum of 33 percent of building frontage are permitted for parks, open space, patio space or such architectural features as recesses, niches, ornamental projection, entrance bays, or other articulations of the façade, unless otherwise prohibited by City Code. | | | | | | | | | | | | | | | | | | | | | | |