



## AGENDA

### Joint Planning Board and Planning, Licenses & Development Committee

September 13, 2021

6:30 PM

Council Chambers

The public is welcome to attend this meeting in person, or may access it remotely by going to [www.zoom.us/join](http://www.zoom.us/join) or calling (646) 558-8656 and entering the Meeting ID: 893 8296 4232.\*

1. Roll Call
2. Approval of Meeting Minutes – February 8, 2021
3. Public Workshop

**Ordinance O-2021-12** – **Relating to amendments to the City of Keene Land Development Code.** Petitioner, City of Keene Community Development Department, proposes to amend sections of Chapter 100 Land Development Code (LDC) of the City Code of Ordinances to address inconsistencies and issues identified by City staff during the period between the adoption of the LDC on May 20, 2021 and the effective date of September 1, 2021. Changes proposed generally include the re-categorization of “Day Care Center” from a Commercial Use to an Institutional Use; the removal of the requirement that onsite parking be provided for residential uses in the Downtown Core District; amendments to Section 9.3 related to driveway standards; the minimum onsite parking requirement for self-storage facilities in Table 9-1 be amended to 1 space / 3,000 sf GFA; the removal of Sections 18.4 and 1.3.1.A.1 related to nonconforming lots; amendments to Article 25 related to the review of major site plans in the Historic District; the addition of definitions for the terms “awning” and “nonconforming lot”; and amendments to service connection fees in Appendix B of the City Code of Ordinances.

4. Next Meeting – Tuesday, October 12, 2021
5. Adjourn

*\*A Zoom link and call in information is being provided as a public service; however, the public body will be meeting in person with a quorum present at the location, date and time contained in this notice. If for some reason the Zoom link or call in does not work, the public meeting will not be continued.*

CITY OF KEENE  
NEW HAMPSHIRE

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

Monday, February 8, 2021      6:30 PM      Remote Meeting

**Planning Board Members Present**

Pamela Russell Slack, Chair  
David Orgaz, Vice-Chair  
Mayor George Hansel  
Councilor Michael Remy  
Emily Lavigne Bernier

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

Councilor Kate Bosley, Chairman  
Councilor Mitch Greenwald  
Councilor Philip Jones  
Councilor Gladys Johnson  
Councilor Catherine Workman

**Planning Board Members Not Present**

Andrew Weglinski  
Gail Somers  
Roberta Mastrogiovanni  
Tammy Adams, Alternate

**Staff Present**

Rhett Lamb, Community Development Director  
Tara Kessler, Senior Planner  
John Rogers, Building and Health Official  
Med Kopczynski, Director Economic  
Development and Special Projects  
Mari Brunner, Planner

**1. Statement of Authority to Hold Remote Meeting**

Chair Russell Slack began the meeting by reading the following statement with respect to holding remote meetings: *“In Emergency Order #12, issued by the Governor of the State of New Hampshire pursuant to Executive Order #2020-04, certain provisions of RSA 91-A regulating the operation of public body meetings have been waived during the declared COVID-19 State of Emergency.*

*Specifically:*

- *The requirement that a quorum of a public body be physically present except in an emergency requiring immediate action under RSA 91-A:2;*
- *The requirement that each part of a meeting of a public body be audible or otherwise discernible to the public at the location specified in the meeting notice as the location of the meeting under RSA 91-A:2, III(c).*
- *Provided, however that the public body must:*
  - *Provide access to the meeting by telephone, with additional access possibilities by video or other electronic means;*
  - *Provide public notice of the necessary information for accessing the meeting;*
  - *Provide a mechanism for the public to alert the public body during the meeting if there are problems with access; and*
  - *Adjourn the meeting if the public is unable to access the meeting.*
- *All votes are to be taken by roll call.*

32 • *All committee participants shall identify the location from where they are participating and*  
33 *who is present in the room with them.*”  
34

35 Chair Russell-Slack said the public may access the meeting online by visiting the Zoom website,  
36 www.zoom.us/join, and entering the Meeting ID 893 8296 4232 or call (888) 475-4499, Enter  
37 Meeting ID: 893 8296 4232. View live on Cheshire TV channel 1302. For issues with access  
38 during the meeting call: (603) 209-4697. The agenda and supporting materials are available at:  
39 ci.keene.nh.us/joint-planning-board-planning-licenses-and-development-committee.  
40 Members of the public shall not be permitted to speak nor shall comments be taken until the  
41 Chair asks for public comment.  
42

#### 43 **2. Call to Order & Roll Call**

44 Chair Russell Slack called the meeting to order at 6:30 pm and a roll call was taken.  
45

#### 46 **3. Minutes of January 11, 2021 & January 19, 2021**

47 A member of the public had a correction for the January 19, 2021 meeting minutes – Page 24,  
48 Line 598, correct the spelling of her name from “Kathleen” to “Cathleen.”  
49

50 A motion was made by Councilor Jones to approve the January 11, 2021 meeting minutes and  
51 the January 19, 2021 meeting minutes as amended. The motion was seconded by Councilor  
52 Mitch Greenwald and was unanimously approved by roll call vote.  
53

54 **4. Continued Public Workshop Ordinances O-2020-10 & O-2020-11** – Relating to the  
55 establishment of the City of Keene Land Development Code and changes to the City's downtown  
56 zoning districts. Petitioner, City of Keene Community Development Department, proposes to  
57 update and unite the City of Keene’s regulations related to land use and development, including  
58 the Zoning Regulations, into the City of Keene Land Development Code; to establish 6 new  
59 zoning districts in Keene’s downtown area (Downtown Core, Downtown Growth, Downtown  
60 Limited, Downtown Edge, Downtown Transition, Downtown Institutional Campus); to remove  
61 the Gilbo Avenue Design Overlay District and the Downtown Railroad Property Redevelopment  
62 Overlay District; and, to modify the SEED Overlay District. This proposed map change would  
63 affect 316 parcels, encompassing a total land area of approximately 220-acres, and would result  
64 in the removal of the Central Business and Central Business Limited Zoning Districts.  
65

##### 66 **a. Review of and vote on proposed amendments to O2020-10 and O-2020-11, including** 67 **amendments to the proposed Land Development Code and the proposed Zoning** 68 **Map** 69

70 Senior Planner Tara Kessler began by reminding the committee where they are in this process.  
71 She noted that it is possible this would be the final meeting of the public workshop phase on  
72 these ordinances. Following the public workshop phase, there will be public hearings scheduled  
73 by the Planning Board and the Historic District Commission and a public hearing before the City  
74 Council and, ultimately, a final vote by the Council.  
75

76 Ms. Kessler stated for tonight’s meeting she will be reviewing the amendments proposed to the  
77 ordinances and the Land Development Code shared in a memorandum dated February 1, which  
78 was included in the agenda packet for this meeting.  
79  
80  
81

82 Ms. Kessler began a review of each amendment. She noted that staff propose to remove from O-  
83 2020-10 all reference to new or amended language to Chapter 46 of the City Code of  
84 Ordinances, related to the establishment of a Congregate Living and Social Services license, and  
85 to introduce this language to City Council as a separate ordinance. Staff needs more time to  
86 complete the language related to licensing for congregate living and social services uses. As  
87 Chapter 46 is outside of the proposed Land Development Code, changes to this chapter will be  
88 sent to the Planning, Licenses and Development (PLD) Committee for their review and  
89 recommendation to City Council. Ms. Kessler noted that because the proposed Land  
90 Development Code references the congregate living and social services license, it will be  
91 important for the Council to vote on O-2020-10 (which establishes the proposed Land  
92 Development Code) and the ordinance detailing changes to Chapter 46 at the same time. Ms.  
93 Kessler noted that if the Committee is in favor of this amendment, City staff will introduce the  
94 topic of changes to Chapter 46 to the PLD Committee at their meeting on March 24, 2021.

95  
96 Councilor Jones asked about the vote that would be taken today. Ms. Kessler stated if the  
97 committee was ready for a vote today the Committee would vote on the proposed amendments to  
98 the ordinances, and before it is sent out of the public workshop phase the Planning Board would  
99 vote that this ordinance as amended is consistent with the Master Plan, and the PLD Committee  
100 would vote to request the Mayor set a public hearing on the amended ordinance.

101  
102 Ms. Kessler continued in her review of the proposed amendments.

103  
104 She noted that staff propose to include all terms and definitions for rules of measurement  
105 outlined in Article 1 and principal permitted uses outlined in Article 8 into the Definitions  
106 Chapter for ease of reference.

107  
108 Ms. Kessler stated that the following amendment is one that has been discussed at previous  
109 meetings and there has been expressed support for by Committee members. This amendment is  
110 to allow for Small Group Home (this would allow for eight unrelated people to live together in a  
111 group home setting) by Conditional Use Permit (CUP) in all zoning districts that permit single-  
112 family dwellings, and to be clearer that this use is also allowed where Large Group Homes are  
113 allowed. With this amendment, the following districts would permit Small Group Homes:  
114 Rural, Residential Preservation, Low Density, Low Density 1, Medium Density, High Density,  
115 High Density-1, Neighborhood Business, and Downtown Transition.

116  
117 Ms. Kessler noted that staff are proposing for Large Group Home to be added to the High  
118 Density 1 zoning district, which currently permits both single family residences and multifamily  
119 residences. She noted that there are only a handful of parcels in this zoning district.

120  
121 Ms. Kessler stated that there were concerns raised at a previous meeting about whether the  
122 number of residents permitted in a Domestic Violence Shelter would include children. Staff took  
123 the feedback and have proposed excluding minor children of shelter clients from the proposed  
124 occupancy maximum of 12. The amended language would read as follows: "Domestic violence  
125 shelters located within or directly adjacent to residential zoning districts shall not have more than  
126 12 occupants at any time, *excluding the minor children of shelter clients.*"

127  
128 Councilor Bosley clarified that there will be limitations placed on occupancy based on Fire  
129 Regulations, which would include minor children. Ms. Kessler confirmed that fire, life and code  
130 safety codes would place limitations on occupancy.

131

132 Ms. Kessler noted that this amendment is to address an error in Table 8-1 Permitted Principal  
133 Uses by Zoning District. The proposal is to change “P” to “P1” wherever it appears for  
134 “Domestic Violence Shelters,” as there are limitations for how this use may be operated.

135  
136 Ms. Kessler noted that staff propose to amend the definition of Domestic Violence Shelter.  
137 Currently the definition read as *“The facility may also offer a variety services to help natural*  
138 *persons and their children including counseling and legal guidance.”* In speaking with a member  
139 of the public there was a concern about use of the term natural persons, which might allow for  
140 people who are not residents of the shelter to receive services on site. Staff’s suggestion is to  
141 delete the replace the term “natural persons” with “shelter clients.”

142  
143 Ms. Kessler noted that at previous meetings there was agreement from the Committee that Solar  
144 Energy Systems should be allowed in the Industrial Zoning District by right without requiring a  
145 conditional use permit. Staff have incorporated edits to the proposed Code to account for this  
146 change.

147  
148 Ms. Kessler noted another change to Table 8-1. Staff had inadvertently included Fraternity and  
149 Sorority as a permitted use in the High Density Zoning District. This use would only be  
150 permitted in Downtown Institutional.

151  
152 Ms. Kessler noted that based on feedback from the Joint Committee at a previous meeting, staff  
153 are proposing to remove the requirement that applications for a Congregate Living and Social  
154 Services Conditional Use Permit include an Operations and Management Plan as part of their  
155 application submission. This will be a requirement of a license for Congregate Living and Social  
156 Services but no longer a requirement for a CUP.

157  
158 Ms. Kessler noted that questions were raised at the December meeting about language in the Site  
159 Development Standards Screening Standards related to the side and rear of a building. To  
160 provide enhanced clarification staff are proposing to amend Section 20.6.2.A.1 to read *“Waste*  
161 *collection, waste compaction, recycling collection shall not be located along the building*  
162 *frontage or along a building facade with a primary entrance and shall be screened from view*  
163 *from adjacent property or public rights-of-way (not including alleys).”* Similarly, staff propose  
164 to edit the screening standards for drive-through businesses as follows: *“Drive-through windows*  
165 *and lanes shall not be located along the building frontage or along a building facade with a*  
166 *primary entrance.”*

167  
168 Ms. Kessler noted Article 25 at the present time includes application/permit review and approval  
169 procedures. Section 25.4 is specific to amendments to the land development code. Today the  
170 Planning Board and Historic District Commission have statutory authority over their own  
171 regulations. Articles 19 and 20 are the purview of the Planning Board and Article 21 is the  
172 purview of the Historic District Commission as well some sections of Article 25 as it relates to  
173 application processes. In the current proposed version of the Land Development Code, it was  
174 suggested that any time the Planning Board made changes to their regulations (Articles 19, 21)  
175 an entire Joint Committee process will be required plus a Planning Board public hearing which  
176 staff felt was rather onerous. As a result, staff is proposing that for the Planning Board with  
177 respect to Articles 19, 20, and Sections 25.10 through 25.14 of Article 25, and the Historic  
178 District Commission with respect to Article 21 and Section 25.15 of Article 25 – if there are  
179 changes proposed the respective board would a public hearing and those amendments would go  
180 before the PLD Committee for a recommendation to the City Council.

181

182 Ms. Kessler noted the reason the Council will be voting on these specific Articles is because by  
183 placing all these regulations in one document in the City Code, ultimately the City Council has to  
184 adopt and make changes to City Code.

185  
186 Ms. Kessler stated that another change to address a mistake, is to amend Section 25.5.6.B, which  
187 relates to the review criteria for variances as follows: Replace the phrase “*of this chapter*” in  
188 “*The proposed variance is not contrary to the spirit of this chapter*” with “*of the Zoning*  
189 *Regulations.*”

190  
191 Ms. Kessler stated that staff are proposing an amendment to Section 25.9.5 related to the  
192 procedure for the zoning administrator to issue a written interpretation. She stated that the  
193 language being proposed is that “*The Zoning Administrator shall publish their written*  
194 *interpretation on the City website within 5 calendar days from the date of issuance.*” This would  
195 allow for greater transparency of administrative decisions.

196  
197 Ms. Kessler noted that the Site Development Screening Standards do not clearly address how or  
198 if small-scale solar energy systems require screening. Ms. Kessler noted that staff will be  
199 presenting changes related to screening of small-scale and roof-mounted solar energy systems at  
200 the Planning Board public hearing it will hold on Article 21 of the proposed Land Development  
201 Code.

202  
203 Ms. Kessler noted that the standards related to window replacement in the Historic District  
204 Regulations in Article 21 need to be amended to be clearer about what is required for  
205 replacement of non-historic windows. Staff will present proposed edits to the Downtown  
206 Historic District Regulations that seek to provide greater clarification on standards related to  
207 window replacement at the public hearing the Historic District Commission will hold on Article  
208 21 of the proposed Land Development Code.

209  
210 Ms. Kessler noted that the changes she would be reviewing next relate to changes to the  
211 proposed zoning map, and O-2020-11. She stated that at a previous meeting the Committee was  
212 in favor of placing the parcel at 21 Davis Street, which is currently located in the Central  
213 Business Limited District and had been proposed to go into Downtown Transition, into the  
214 Downtown Core District. She noted that the amended proposed zoning map reflects this change.

215  
216 Ms. Kessler noted that there had been conversation at previous meetings about gaps in the  
217 transition district along Water Street. Staff’s suggestion is for the parcel at 92 Water Street,  
218 which is the site of the City Side Apartments and is located at the corner of Community Way and  
219 Water Street, to be located in the Downtown Transition District. Currently, it is proposed to go  
220 from the Central Business Limited District to the Downtown Growth District.

221  
222 Hearing no questions or comments on the above amendments. Ms. Kessler went on to say there  
223 have been concerns raised by members of the public regarding the consideration for diminution  
224 of property values as a criteria for special exception and for CUP. She indicated staff is not  
225 proposing to make this change and felt this is something the committee might wish to discuss  
226 further.

227  
228 She further stated there was also a comment made by a member of the public regarding the  
229 purpose of zoning and that the primary purpose of zoning is for protecting property values. This  
230 individual cited NH RSA 674:17 in their testimony. Ms. Kessler referred to NH RSA 674:17  
231 which states that the zoning ordinance shall be designed to:

- 232 (a) *To lessen congestion in the streets; RSA 674:17*  
233 (b) *To secure safety from fires, panic and other dangers.*  
234 (c) *To promote health and the general welfare;*  
235 (d) *To provide adequate light and air;*  
236 (e) *To prevent the overcrowding of land;*  
237 (f) *To avoid undue concentration of population;*  
238 (g) *To facilitate the adequate provision of transportation, solid waste facilities, water,*  
239 *sewerage, schools,*  
240 *parks, child day care;*  
241 (h) *To assure proper use of natural resources and other public requirements;*  
242 (i) *To encourage the preservation of agricultural lands and buildings and the agricultural*  
243 *operations described in RSA*  
244 *21:34-a supporting the agricultural lands and buildings; and*  
245 (j) *To encourage the installation and use of solar, wind, or other renewable energy*  
246 *sources.*

247  
248 It also states:  
249 *Every zoning ordinance shall be made with reasonable consideration to, among other things, the*  
250 *character of the area involved and its peculiar suitability for particular uses, as well as with a*  
251 *view to conserving the value of buildings and encouraging the most appropriate use of land*  
252 *throughout the municipality.*

253  
254 Ms. Kessler explained the purpose of zoning is many things and part of it is consideration of  
255 property values, but whether it is specifically to protect property value is not clearly stated.  
256 However, by structuring zoning to address the list of considerations above, property values are in  
257 fact being addressed and potentially preserved. Ms. Kessler asked for input from other staff  
258 members present tonight.

259  
260 Mr. Kopczyński addressed the committee and stated when staff was given this charge for the  
261 zoning change, there were a number of different objectives such as modernization, streamlining  
262 etc. Staff did talk about consideration for property values but the reason it was not included is  
263 because there are no specific standards for assessing how a proposed use might influence future  
264 property values of surrounding properties. Unlike for instance when it comes to traffic, there is  
265 the ITE Manual. However, he noted it always up to the Committee to decide how it wishes to  
266 move forward with this issue.

267  
268 Mr. Lamb added there are property appraisers who are certified for the purpose of establishing  
269 property values. Mr. Lamb stated what is being asked is to predict whether or not a future change  
270 will result in decrease of value. He indicated what an appraiser would offer could give some  
271 valuation, but staff do not want to set up a system where there could be testimony from  
272 appraisers giving differing opinions on the same topic. Mr. Lamb felt as a result, there did not  
273 need to be a criteria specific to value of property.

274  
275 Councilor Johnsen felt eight people seemed like a large number for the purpose of a group home.  
276 Councilor Bosley stated she isn't sure whether this was the exact reason the number eight was  
277 chosen; but thought it was because for any duplex situation there could be four unrelated people  
278 living on each side of that duplex, which could constitute for eight. She noted this number could  
279 appear in most of these neighborhoods. Ms. Kessler added group home is an allowed use under  
280 the current zoning code with an unlimited number of people and except for residential  
281 preservation, all other zoning districts that permit single family homes also permit the location of

282 group homes. What is being proposed significantly reduces the density of group homes and also  
283 creates a review process by the Planning Board.

284  
285 Councilor Jones referred to the statute regarding zoning Ms. Kessler had referred to earlier and  
286 recalled this statute had been amended when Jeanne Shaheen was the Governor to include  
287 promoting smart growth principles – and asked for clarification as to whether this section was  
288 deleted or whether it was in a different section. Ms. Kessler stated this language is under RSA  
289 674:21 which refers to Innovative Landuse.

290  
291 b. Public Comment  
292 With that the Chair asked for public comment. Attorney Gary Kinyon addressed the committee  
293 on behalf of the Surry Village Charter School with reference to its facility located on Court  
294 Street. Attorney Kinyon noted back in November the Woodward Home had an application before  
295 the Zoning Board of Adjustment for the location of a Group Home. This property is located in  
296 the Medium Density District. Attorney Kinyon noted under the current zoning a Group Home in  
297 the Medium Density District is only allowed with a special exception and one of the conditions  
298 under this special exception is that it will not diminish surrounding property values. At that  
299 hearing there was fair amount of opposition, from him on behalf of the Surry Village Charter  
300 School, and a critical element considered by the Zoning Board to deny the Special Exception is  
301 that the proposed use will not diminish property values in surrounding neighborhoods. Attorney  
302 Kinyon stated he felt then and feels now that this is a critical element to a special exception  
303 requirement for a group home to be located in a Medium Density District and felt this was an  
304 important item for the Joint Committee’s amendment consideration.

305  
306 Attorney Kinyon went on to say, the Medium Density District in general, specifically in this area  
307 of the city, is primarily a residential zone and the purpose of the residential zone is to preserve  
308 residential uses. The group home proposed for this area was not a residential use and required a  
309 special exception to be located in this area. Under the proposed zoning, the permitted uses in the  
310 Medium Density District include a group home (small) and a domestic violence shelter. A  
311 domestic violence shelter will be permitted in the Medium Density District with certain  
312 conditions met. A group home (small) will be permitted with a CUP not a special exception and  
313 felt this diminishes the standards that need to be met for group home (small) especially to show  
314 that this use will not diminish property values in surrounding neighborhoods. Attorney Kinyon  
315 stated it is staff’s perspective that a standard of diminishing value is relatively subjective and  
316 brings into play experts. The attorney noted the standard for diminishing value has been a  
317 standard for application for variances under zoning and for special exception applications in  
318 Keene. He felt it is a necessary inclusion for special exception applications.

319  
320 Attorney Kinyon went on to say when a group home is introduced into a neighborhood like the  
321 Medium Density District, the city needs to give the abutters who may not want the proposed use  
322 in their neighborhood and the ability to show the board granting the approval that the proposed  
323 use will hurt their property value. Even though this is not the purpose of zoning, preserving  
324 property value is an important aspect for the Council to consider in adopting these zoning  
325 ordinance amendments. Attorney Kinyon felt this is an important item that should not only be  
326 preserved for special exception standards but also should be adopted into the CUP standards.

327  
328 Chair Russell Slack asked for staff’s response to these comments. Mr. Lamb responded by  
329 saying staff does not disagree that property values are important, but what staff is saying is that  
330 they can find a middle ground with oversight with conditions for CUP without explicit



331 discussion of property values. He stated he has a lot of respect for Attorney Kinyon’s opinion  
332 and felt it is something the committee should continue to discuss.

333  
334 Mr. Tom Savastano of 75 Winter Street, Keene stated he too agrees with Attorney Kinyon and  
335 stated property values are such an inherent concern for people who live in the city and have  
336 invested in this city. He felt this is a fundamental issue and needs to be included in this code.  
337 Mr. Savastano stated he joined and meeting late and questioned Ordinance 2020-11-A, Section  
338 46-561 which had a lot of red lines through it and asked whether this was changing the  
339 fundamental nature of what has been worked on. Ms. Kessler stated what is being proposed is  
340 that all references to chapter 46 be included in a separate ordinance, which would be introduced  
341 to the Planning, Development and Licenses Committee which will give staff more time to amend  
342 proposed language in Chapter 46 related to licenses for Congregate Living and Social Services.

343  
344 With no further comment, Chair Russell Slack closed the public hearing.

345  
346 Councilor Johnsen stated after listening to the prior two speakers this seems like a hard  
347 conversation. She indicated she is glad Mr. Lamb stepped in, as it sounds like an “us versus  
348 them” conversation and when decisions regarding licenses are made, the committee needs to be  
349 very aware of that.

350  
351 Mayor Hansel stated staff has worked very hard on this item. They have taken opposing  
352 viewpoints and made it work. He stated in an instance like this, not everyone is going to be  
353 happy with the outcome, but stated he is happy overall with the product and is ready to move it  
354 forward. Chair Russell Slack agreed with the Mayor and felt the staff has done the best they can  
355 with this and would like to move this item forward tonight. Councilor Bosley stated she too was  
356 ready to move this item forward tonight.

357  
358 A motion was made by Councilor Kate Bosley that the Joint Committee amend O-2020-10 and  
359 O-2020-11 in accordance with the amendments proposed in the Memorandum dated February 1,  
360 2021 included in the meeting packet for the February 8, 2021 Joint Committee meeting,  
361 including, but not limited to, the removal of Congregate Living and Social Services licensing  
362 provisions from O-2020-10, which is to be presented in a separate ordinance for submission to  
363 the City Council, and in accordance with the following amendments presented by City staff at  
364 the February 8, 2021 meeting:

- 365       a. Changes to the definition of Domestic Violence Shelter in Section 8.3.4.A of the  
366       proposed Land Development Code.  
367       b. Changes to Section 25.4 related to the amendment process for Articles 19 through  
368       21 and sections of 25.10 through 25.15 of the proposed Land Development Code  
369       related to the Planning Board and Historic District Commission regulations and  
370       application procedures.

371  
372 The motion was seconded by Councilor Mitch Greenwald and approved unanimously by roll call  
373 vote.

374  
375 A motion was made by Mayor George Hansel that the Planning Board finds O-2020-10-A and  
376 O-2020-11-A consistent with the City of Keene Comprehensive Master Plan.

377 The motion was seconded by Councilor Michael Remy and approved unanimously by roll call  
378 vote.

379

380 A motion was made by Councilor Mitch Greenwald that the Planning Licenses and Development  
381 Committee request the Mayor set a public hearing on O-2020-10-A and O-2020-11-A.  
382 The motion was seconded by Councilor Phil Jones and approved unanimously by roll call vote.  
383

384 Ms. Kessler noted these motions conclude the public workshop phase for these ordinances and  
385 they would move on to the public hearing phase. The Planning Board Public would be holding a  
386 public hearing on Article 19 (Subdivision Regulations), Article 20 (Site Development  
387 Standards), and sections of Article 25 related to the Planning Board site plan and subdivision  
388 application review process, on Monday, February 22, 2021 at 6:30 pm.  
389

390 The Historic District Commission would conduct a Public Hearing on Article 21 (Downtown  
391 Historic District Regulations), and sections of Article 25 on Wednesday, March 17, 2021 at 4:30  
392 pm.  
393

394 The Planning, Licenses, and Development Committee will be meeting on the topic of  
395 Congregate Living and Social Services License on Wednesday, March 24, 2021 at 7:00 pm.  
396

397 Ms. Kessler noted information about these public hearings will be available on the Project  
398 Website: [www.keenebuildingbetter.com](http://www.keenebuildingbetter.com).  
399

400 Following these hearings the City Council will hold a public hearing on the ordinance at the  
401 earliest on May 6 and a take effect date for the proposed Land Development Code is anticipated  
402 for July 1, if it is voted on.  
403

404 Ms. Kessler added staff is always available to the public.  
405

406 It was decided the March 8 meeting will be canceled as it relates to this item.  
407

408 Adjourn

409 The meeting adjourned at 7:57 pm  
410

411 Respectfully submitted,  
412

413 Krishni Pahl,  
414 Minute Taker  
415

416 Reviewed and edited by,  
417 Tara Kessler, Senior Planner

City of Keene  
New Hampshire

MEMORANDUM

**To:** Joint Committee of the Planning Board & PLD

**From:** Tara Kessler, Senior Planner

**Date:** September 3, 2021

**Subject:** O-2021-12 Relating to Proposed Amendments to the City of Keene Land Development Code (Chapter 100 of City Code)

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When the Land Development Code was adopted by City Council earlier this year, City staff recommended that there be a period of a few months between the date of adoption (May 20, 2021) and the date the Code became effective (September 1, 2021). The reason for this delay was to allow time for City staff and the public to become familiar with the new regulations, and as an opportunity for City staff to identify any errors or potential issues that were not apparent when the Code was adopted. Since the Land Development Code was adopted, City staff have been “testing out” the Code on current development proposals and inquiries. The amendments proposed with this Ordinance is an effort to address issues identified by City staff during this trial period. A detailed analysis of the proposed amendments and reasons for each are included below.

Attached to memorandum, is Ordinance O-2021-12, which proposes amendments to the LDC, a number of which are minor/organizational changes, and a document that includes the sections of the LDC that are proposed to be amended.

**Day Care Center:**

An important facet of the Land Development Code update was to improve how institutional uses are addressed in the Zoning Regulations. A component of the update involved creating a category of permitted uses identified as “Institutional.” Uses categorized as institutional would be permitted as a primary use if located in a zoning district that expressly permits the use, or if located on streets on the Institutional Street List in Section 8.2 of the new Code. This street list was taken from the previous Zoning Regulations for institutional uses. In the previous Zoning Regulations, Day Care Center (previously referred to as Childcare Center) was considered an institutional use. In the newly effective Land Development Code, Day Care Center was placed in the category of “Commercial” use.

Staff propose to shift Day Care Center back to the use category of Institutional, which would provide greater opportunity for where this use can operate (which is opportunity that existed prior to September 1<sup>st</sup> with the previous regulations) and would prevent existing day care centers located on streets approved for institutional uses from becoming nonconforming uses.

**On-Site Parking in the Downtown Core District:**

A significant update to the Zoning Regulations was the expansion of where in Keene’s downtown onsite parking is not required to be provided for land uses. Previously, the Central Business District exempted all parcels in this district from having to provide any of the onsite parking required by the Zoning Regulations. The newly effective Zoning Regulations do not require parking onsite for nonresidential uses on parcels in the Downtown Core, Downtown Growth, and Downtown Limited Districts. However, with the new Code, new residential uses in these districts are required to provide 1 onsite parking space per

dwelling unit. The reason for this requirement was primarily to reduce the impact that new multifamily complexes could have on the downtown if parking were not provided onsite.

Since the Code was adopted, staff have been made aware of the impact that this requirement would have on downtown property owners that choose to convert units in existing buildings to dwelling units; especially, where there is no available land area onsite for the provision of parking due to historic development patterns.

Staff propose to exempt all land uses, including residential, from the requirement of providing onsite parking in the Downtown Core District. All parcels in this District were exempt from the requirements of onsite parking in the previous Zoning Regulations. In addition, this District contains the most densely developed parcels of the downtown zoning districts, with limited land area available for parking onsite. Whereas, the Downtown Growth District has significantly greater land area available for new construction and space for the consideration of parking onsite.

#### **Minimum Parking Requirement for Self-Storage Facilities:**

City staff proposed changes to the minimum onsite parking requirements for self-storage facilities with the Land Development Code, largely to address the differences between exterior and interior facilities. The previously Zoning Regulations required 1 parking space / 3,000 sf for self-storage facilities. The newly effective Code requires a minimum of 1 parking space / 10 units. At the time, staff did not consider the variation of sizes of interior units, and the impact that smaller unit sizes would have on parking demand. For example some interior storage units are as small as 200 cubic feet, and there can be hundreds located inside a facility. To prevent an excess of parking being required onsite, staff are proposing to return the minimum onsite parking ratio for self-storage facilities (both interior and exterior) to 1 parking space / 3,000 sf.

#### **Residential Driveway Standards:**

In an effort to consolidate all driveway and parking standards in one place, staff placed standards related to the dimensions and surface materials of residential driveways in Article 9 of the Zoning Regulations. Some of these standards were previously located in Chapter 70 of the City Code of Ordinances. As an oversight, staff retained these standards for residential driveways in Article 22 “Public Infrastructure Standards” of the Land Development as well as placed them in Article 9, creating an unintended redundancy in the Code. Following discussion among City staff in the Community Development and Public Works Department, it is staff’s opinion that these standards should stay in Article 22 and be removed from Article 9. However, a section reference should be made to these standards in Article 9.

#### **Nonconforming Lots:**

When the Land Development Code was being drafted, City staff added language related to nonconforming lots in Article 18, which did not exist in the previous Zoning Regulations. However, upon further review and consideration, staff recommend that this language be removed from the Code, as it may create unintended consequences for development on nonconforming lots.

#### **Addition of Defined Terms:**

Staff have noticed that the following terms were not defined in Article 28 of the newly effective code and propose to include them along with the definitions listed below in this Article.

“Awning – An architectural projection that is partially or wholly supported by the building to which it is attached, and is comprised of a light-weight frame structure over which a covering is attached. This covering may consist of vinyl, canvas or similar material.”

“Nonconforming Lot - An existing lot of record that at one time conformed to the lot dimension requirements (e.g. lot area, lot width) of the zoning district in which it is located but because of subsequent amendments to the Zoning Regulations is made nonconforming.”

**Changes to the Process for Major Site Plan Review:**

O-2021-12 proposes to amend the Keene Planning Board regulations related to the review of Major Site Plans to require that any Major Site Plan application for new buildings or additions to buildings, which are younger than 50 years old, that are located in the Downtown Historic District, be reviewed and commented on by the Historic District Commission prior to the Planning Board closing the public hearing on the application. This proposed amendment would affect Sections 25.1.10 and 25.12.8.B, and Table 25-1 of the Land Development Code. The Planning Board held a public hearing on this proposed amendment at its August 23, 2021 meeting. At this meeting, the Planning Board voted to deny this amendment.

For background reference, the recommendation for this proposed change came from the Historic District Commission during a public hearing held in the spring of 2021 as part of the Land Development Code adoption process. One of the major changes proposed to the Historic District Commission’s regulations was to exempt buildings younger than 50 years from the requirements of the Historic District Regulations. At the time of the public hearing to adopt this and other changes, the Commission decided that it wanted to retain the opportunity to provide advisory comments on new construction of a significant scale in the Downtown Historic District to the Planning Board as part of its site plan review. Community Development staff were asked to introduce this amendment to the Planning Board regulations at a future date, since the adoption process for the Land Development Code was past the public hearing phase.

**Amendments to Fee Schedule for Service Connections:**

Following the adoption of the Land Development Code, the City Engineer proposed changes to the fees for service connections. O-2021-12 proposes to amend the Service Connection fee to distinguish between various connections types (e.g. water, sewer, storm drains).

**Reinstatement of Chapter 18 Language Related to Permit Applications:**

Included in O-2012-12 is a proposed amendment to restore language that was removed from Chapter 18 “Building Regulations” earlier in 2021 to provide more flexibility for building permit applicants during the timeframe between the first public hearing held on the Land Development Code and its effective date.

The section that was removed precludes the issuance of any building permit applications made after the posting of first legal notice of proposed changes in the building code or zoning ordinance that would not be permitted if the proposed changes were adopted.

**CITY OF KEENE**  
**NEW HAMPSHIRE**

**O-2021-12 Related to proposed amendments to the City of Keene Land Development Code**

The attached materials include the full text of Ordinance O-2021-12 related to proposed amendments to the City of Keene Land Development Code, as well as excerpted sections of the adopted City of Keene Land Development Code that are proposed to be amended with Ordinance O-2021-12. The proposed changes on the excerpted sections are identified as follows: text that is highlighted in yellow and bolded is proposed to be added; and, text that is highlighted in yellow, bolded, and stricken through is proposed to be deleted. As these amendments affect a number of sections of the Code, only the section-specific table of contents and pages that include proposed amendments are attached.

**Twenty-One**  
**Relating to City of Keene Land Development Code**

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

1. That the City of Keene Land Development Code, which was adopted by the City Council on May 20, 2021, and will become effective on September 1, 2021 as Chapter 100 of the City Code of Ordinances, is hereby amended as follows.
  - A. Remove Section 1.3.1.A.1 of Article 1 - Introductory Provisions, which states “Where a minimum lot area is specified in this LDC, no principal building or use shall be erected or established on any lot of lesser size, except for nonconformances allowed pursuant to Article 18.”
  - B. Relocate “Day Care Center” and its associated definition from Section 8.3.2.J “Commercial Uses” to Section 8.3.3.C “Institutional Uses” in Article 8 - Permitted Uses, and renumber sections accordingly. Update Table 8-1, Table 9-1, and the Permitted Use Tables (see section references below) in the following zoning districts to reflect this change.
 

<ul style="list-style-type: none"> <li>• Downtown Zoning Districts (Table 4-1)</li> <li>• Commerce District (Section 5.1.5)</li> <li>• Commerce Limited District (Section 5.2.5)</li> <li>• Neighborhood Business District (Section 5.3.5)</li> <li>• Business Growth &amp; Reuse District (Section 5.4.5)</li> </ul>	<ul style="list-style-type: none"> <li>• Office District (Section 5.5.5)</li> <li>• Corporate Park District (Section 6.1.6)</li> <li>• Industrial District (Section 6.2.5)</li> <li>• Industrial Park District (Section 6.3.5)</li> <li>• Regional Health Care District (Section 7.1.5)</li> </ul>
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  - C. Delete the stricken text in Section 9.2.5.A.1 in Article 9 - Parking & Driveways as follows, and update Table 9-1 to reflect this change: “One parking space per dwelling unit shall be the minimum parking required for residential uses in the ~~Downtown Core~~, Downtown Growth and Downtown Limited Districts.”
  - D. Amend the minimum onsite parking requirements for “Self-Storage Facility Exterior Access” and “Self-Storage Facility Interior Access” in Table 9-1 in Article 9 - Parking & Driveways to be 1 space / 3,000 sf GFA, where it is currently 1 space / 10 units.
  - E. Delete the stricken text and add the bolded underlined text in the following sections of Section 9.3 “Driveway Design Standards” as follows. The text that is proposed to be removed below is currently present in Section 22.5.4 of the Land Development Code. This proposed change is to eliminate redundancy.

“9.3.1. Street Access Permit

Prior to installing a new or modifying an existing curb cut or driveway, a street access permit shall be obtained according to the standards and processes outlined in ~~Article 22~~ **Section 22.5 of this LDC.**

### 9.3.2. Driveway Placement

~~A. For single and two family dwellings, there shall be no more than 1 driveway for each lot, unless an exception has been approved by the City Engineer per Article 22.~~

~~B. No more than 2 single family dwelling can share a common driveway.~~

~~C. New driveways shall be placed so as not to conflict with existing driveways.~~

~~D. Driveways on opposite sides of the street shall be aligned or offset sufficiently, so as to avoid turning conflicts.~~

### 9.3.2~~3~~ Driveway Dimensions

~~A. Residential Driveways. The following standards shall apply to driveways for single- and two-family dwellings.~~ **Dimensional requirements for driveways are included in Section 22.5.4 of this LDC. In addition to these requirements,** ~~†The following standards shall apply to~~

~~1. Driveways shall be a maximum of 20 ft wide at the property line and 30 ft wide at the curblines.~~

~~A2. Each vehicle parking space shall be a minimum dimension of 8-ft by 18-ft and shall be located to the rear of either the front setback or front building line.~~

~~B3. The driveway and associated parking space(s) shall be a minimum of 3-ft from the side property line.~~

~~B. Commercial Driveways. The following standards shall apply to driveways for non-residential lots, multi-family dwellings, and temporary driveways.~~

~~The driveway shall be a minimum of 12 ft wide and a maximum of 25 ft wide at the property line and 50 ft wide at the curblines, unless additional width or lanes are required as the result of a traffic study and/or geometric analysis prepared by a NH licensed engineer.~~

### 9.3.8 Removal of Trees or Stone Walls

~~When the installation of a driveway requires the cutting of trees or the disturbance of stone walls that are within the public right of way, separate permission for such cutting or disturbance shall be obtained in accordance with Chapter 82 of the City Code of Ordinances, NH RSA 472:6, or other applicable laws.~~

### 9.3.9 Temporary Driveways

~~Temporary driveways used for earth disturbing activities or events or forestry activities shall be constructed with a temporary construction exit complying with the requirements of the NH Stormwater Manual Volume 3, as may be amended, and shall be restored to original condition at the conclusion of the activity or event for which they are installed.”~~

- F. Remove Section 18.4 “Nonconforming Lots,” which is displayed below as stricken text, from Article 18 - Nonconformities.

~~“18.4 Nonconforming Lots~~



#### 18.4.1 Description

~~A nonconforming lot is an existing lot of record that at one time conformed to the lot dimension requirements (e.g. lot area, lot width) of the zoning district in which it is located but because of subsequent amendments to the Zoning Regulations is made nonconforming.”~~

#### 18.4.2 Alteration

~~No nonconforming lot may be subdivided in such a way that increases the nonconformity.~~

#### 18.4.3 Permitted Development

~~Development of a nonconforming lot shall meet all applicable dimensional requirements of the zoning district it is located with the exception of any lot dimensional requirement that renders it nonconforming.”~~

- G. Add the bolded underlined text to Section 25.1.10 “Historic District Commission” of Article 25 - Application Procedures as follows:

#### “25.1.10 Historic District Commission

In addition to other general authority by state law or the City Code of Ordinances, the Historic District Commission shall have the following powers pursuant to this LDC.

- A. To initiate, hear, and decide on proposed amendments to the Historic District Regulations in this LDC.
- B. To hear and decide on major project applications for a certificate of appropriateness.
- C. To hear and grant waivers from the Historic District Regulations.
- D. To hear and decide on appeals of an administrative decision of the Community Development Director, or their designee, on minor project applications for a certificate of appropriateness.
- E. To hear and decide on requests for extensions to certificates of appropriateness.

**F. To provide comments and recommendations to the Planning Board on Major Site Plan applications for new buildings or additions to buildings, which are younger than 50 years old, that are located in the Downtown Historic District.”**

- H. Add the bolded underlined text to Section 25.12.8.B “Major Site Plan Procedure” of Article 25 - Application Procedures, and amend Table 25-1: Development Applications Decision Authority to reflect this change.

**“7. Historic District Commission Review. Applications proposing to build new buildings or additions to buildings, which are younger than 50 years old, that are located in the Downtown Historic District shall be referred to the Historic District Commission for comments and a recommendation to the Planning Board before the public hearing on the application is closed.”**

- I. Add the following definitions to Article 28. Defined Terms.

**“Awning – An architectural projection that is partially or wholly supported by the building to which it is attached, and is comprised of a light-weight frame structure over which a covering is attached. This covering may consist of vinyl, canvas or similar material.”**

**“Nonconforming Lot - An existing lot of record that at one time conformed to the lot dimension requirements (e.g. lot area, lot width) of the zoning district in which it is located but because of subsequent amendments to the Zoning Regulations is made nonconforming.”**

2. Delete the stricken text from and add the bolded text/table to the following section of Appendix B of the City Code of Ordinances, Chapter 100. Land Development Code (LDC) Fee Schedule.

“§22.4 Service Connection Permit  
 Engineering Inspection Fees.....\$55.00 per hour  
 Residential, Institutional or Commercial Building Service Connection Permit.....\$15.00  
 Industrial Building Service Connection Permit.....\$30.00

<u>Connection Type</u>	<u>Fee</u>	<u>Basis</u>
<u>Water, ≤ 2”</u>	<u>\$100</u>	<ul style="list-style-type: none"> <li>• <u>15 minutes of review/approval by the City Engineer</u></li> <li>• <u>2 one-hour visits by an engineering technician to inspect the tap and service line/curb stop prior to backfill</u></li> </ul>
<u>Water, &gt; 2”</u>	<u>\$200</u>	<ul style="list-style-type: none"> <li>• <u>30 minutes of review / approval by the City Engineer</u></li> <li>• <u>2 one-hour visits by an engineering technician to inspect the tap and service line/curb stop or gate valve prior to backfill</u></li> <li>• <u>2 visits to observe disinfection testing procedure and review lab results</u></li> </ul>
<u>Sewer, design flow ≤ 5000 GPD</u>	<u>\$100</u>	<ul style="list-style-type: none"> <li>• <u>15 minutes of review/approval by the City Engineer</u></li> <li>• <u>2 one-hour visits by an engineering technician to inspect the connection to the main and the service pipe prior to backfill</u></li> </ul>
<u>Sewer, design flow &gt; 5000 GPD</u>	<u>\$200</u>	<ul style="list-style-type: none"> <li>• <u>1 hour of review/approval by the City Engineer</u></li> <li>• <u>2 one-hour visits by an engineering technician to inspect the connection to the main and the service pipe prior to backfill</u></li> </ul>
<u>Storm Drain, ≤6”</u>	<u>\$100</u>	<ul style="list-style-type: none"> <li>• <u>15 minutes of review/approval by the City Engineer</u></li> <li>• <u>2 one-hour visits by an engineering technician to inspect the tap and service line/curb stop prior to backfill</u></li> </ul>
<u>Storm Drain &gt;6”</u>	<u>As determined by the Public Works Director</u>	<ul style="list-style-type: none"> <li>• <u>Storm drain connections to the City’s system over 6” in diameter will require hydraulic analysis and a review of the available system capacity. Fees for connection will be determined based on the specific circumstances.</u></li> </ul>

3. Add the bolded and underlined text below to Chapter 18. Article II. "Technical Codes." Section 18-27(a). "Permits Required."

"Any person, who intends to erect a building, structure, or sign; alter an existing building, structure, or sign; or construct or demolish any building, structure, or sign; or change the occupancy of a building or structure, shall obtain permits from the code enforcement department and if applicable, the fire department, before the work has begun. This requirement includes any type of work, which is regulated by the building and fire codes enforced by the city. The code enforcement and fire departments may approve minor repair work without the requirement of a permit provided such approval is not in violation of the codes and all permit applications for the code enforcement department and the fire department shall be distributed by the code enforcement department. Incomplete applications shall be rejected. **Building permits shall not be issued for applications made after the first legal notice of proposed changes in the building code or zoning ordinance has been posted pursuant to the provisions of RSA 675:7; and the proposed changes in the building code or the zoning ordinance would, if adopted, justify refusal of such permit.**"

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George Hansel, Mayor

# ARTICLE 1. INTRODUCTORY PROVISIONS

1.1 TITLE, PURPOSE & APPLICABILITY .....1-2

1.2 RULES OF INTERPRETATION .....1-3

1.3 RULES OF MEASUREMENT & EXCEPTIONS..1-4

## 1.3 RULES OF MEASUREMENT & EXCEPTIONS

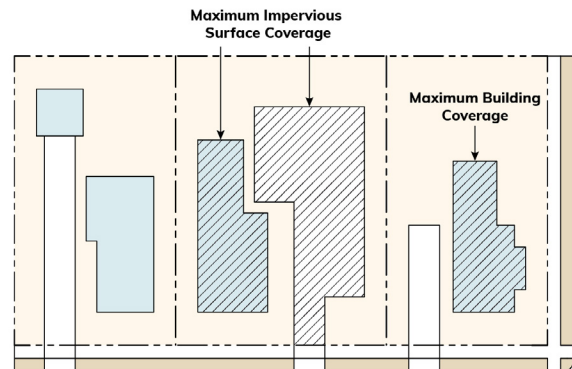
### 1.3.1 Lot Dimensions

- A. Lot Area.** The total area within the boundary lines of a lot, excluding any public right-of-way open to public use.
- 1. Where a minimum lot area is specified in this LDC, no principal building or use shall be erected or established on any lot of lesser size, except for nonconformances allowed pursuant to Article 18.**
- 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 a 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 a building or structure must be located from the front lot line.
  - 2. Rear Setback.** The required minimum or maximum distance that a building or structure must be located from the rear lot line.
  - 3. Side Setback.** The required minimum or maximum distance that a building or structure must be located from the side lot line. 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.

# ARTICLE 4. DOWNTOWN ZONING DISTRICTS

4.1 GENERAL.....	4-2
4.2 DOWNTOWN CORE (DT-C) .....	4-6
4.3 DOWNTOWN GROWTH (DT-G).....	4-8
4.4 DOWNTOWN EDGE (DT-E) .....	4-10
4.5 DOWNTOWN LIMITED (DT-L) .....	4-12
4.6 DOWNTOWN TRANSITION (DT-T) .....	4-14
4.7 DOWNTOWN INSTITUTIONAL CAMPUS (DT-I) .....	4-16

### 4.1.3 Permitted Uses

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

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

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

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

RESIDENTIAL USES	DT-C	DT-G	DT-E	DT-L	DT-T	DT-I	SECTION
Dwelling, Above Ground Floor	P	P	P	P	P	P	8.3.1.A
Dwelling, Multifamily	P <sup>1</sup>	P	P	P	P	-	8.3.1.C
Dwelling, Single-Family	-	-	-	-	P	-	8.3.1.D
Dwelling, Two-Family / Duplex	-	-	P	P	P	-	8.3.1.E
COMMERCIAL USES	DT-C	DT-G	DT-E	DT-L	DT-T	DT-I	SECTION
Animal Care Facility	-	P	P	P	-	-	8.3.2.B
Art Gallery	P	P	P	P	-	P	8.3.2.C
Art or Fitness Studio	P	P	P	P	-	P	8.3.2.D
Banking or Lending Institution	P	P	P	P	-	P	8.3.2.E
Bar	P	P	-	-	-	-	8.3.2.F
Bed and Breakfast	-	-	-	-	P <sup>1</sup>	-	8.3.2.G
Car Wash	-	-	SE	-	-	-	8.3.2.H
Clinic	P	P	P	P	-	P	8.3.2.I
<b>Day Care Center</b>	<b>P</b>	<b>P</b>	<b>P</b>	<b>SE</b>	<b>SE</b>	<b>P</b>	<b>8.3.2.J</b>
Event Venue	-	P	-	-	-	P	8.3.2.J
Funeral Home	-	P	P	P	P	-	8.3.2.K
Health Center / Gym	P	P	P	P	-	P	8.3.2.M
Hotel/Motel	P	P	-	-	-	P	8.3.2.O
Micro-Brewery/Micro-Distillery/Micro-Winery	P	P	-	-	-	-	8.3.2.Q-S
Motor Vehicle Dealership	-	-	P	-	-	-	8.3.2.T
Neighborhood Grocery Store	P	P	P	P	-	-	8.3.2.U
Office	P	P	P	P	P	P	8.3.2.V
Personal Service Establishment	P	P	P	P	-	P	8.3.2.W
Private Club / Lodge	P	P	P	P	SE	-	8.3.2.X
Recreation/Entertainment Facility - Indoor	P	P	-	-	-	P	8.3.2.Y
Recreation/Entertainment Facility - Outdoor	-	P	-	-	-	P	8.3.2.Z
Research and Development	SE	P	-	-	-	P	8.3.2.AA
Restaurant	P	P	P	P	-	P	8.3.2.AB
Retail Establishment, Light	P	P	P	P	-	P	8.3.2.AD
Self Storage Facility - Interior Access	-	SE	P	-	-	-	8.3.2.AF
Specialty Food Service	P	P	P	P	-	P	8.3.2.AH

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

Vehicle Repair Facility – Minor	-	P <sup>1</sup>	P <sup>1</sup>	-	-	-	8.3.2.AL
<b>INSTITUTIONAL USES</b>	<b>DT-C</b>	<b>DT-G</b>	<b>DT-E</b>	<b>DT-L</b>	<b>DT-T</b>	<b>DT-I</b>	<b>SECTION</b>
Community Center	P <sup>1</sup>	P <sup>1</sup>	P <sup>1</sup>	P <sup>1</sup>	SE	P <sup>1</sup>	8.3.3.A
Cultural Facility	P <sup>1</sup>	P <sup>1</sup>	P <sup>1</sup>	P <sup>1</sup>	SE	P <sup>1</sup>	8.3.3.B
<b>Day Care Center</b>	<b>P</b>	<b>P</b>	<b>P</b>	<b>SE</b>	<b>SE</b>	<b>P</b>	<b>8.3.3.C</b>
Hospital	-	-	-	-	-	-	8.3.3.D
Place of Worship	P <sup>1</sup>	P <sup>1</sup>	P <sup>1</sup>	P <sup>1</sup>	-	P <sup>1</sup>	8.3.3.E
Private School	P <sup>1</sup>	P <sup>1</sup>	P <sup>1</sup>	-	-	P <sup>1</sup>	8.3.3.F
Senior Center	P <sup>1</sup>	P <sup>1</sup>	P <sup>1</sup>	P <sup>1</sup>	SE	-	8.3.3.G
<b>CONGREGATE LIVING / SOCIAL SERVICES USES</b>	<b>DT-C</b>	<b>DT-G</b>	<b>DT-E</b>	<b>DT-L</b>	<b>DT-T</b>	<b>DT-I</b>	<b>SECTION</b>
Domestic Violence Shelter	P <sup>1</sup>	P <sup>1</sup>	P <sup>1</sup>	P <sup>1</sup>	-	-	8.3.4.A
Drug Treatment Clinic	-	CUP	-	-	-	-	8.3.4.B
Fraternity/Sorority	-	-	-	-	-	CUP	8.3.4.C
Food Pantry	P	P	P	P	-	-	8.3.4.D
Group Home, Large	CUP	CUP	-	CUP	-	-	8.3.4.E
Group Home, Small	CUP	CUP	-	CUP	CUP	-	8.3.4.F
Group Resource Center	CUP	CUP	CUP	CUP	-	CUP	8.3.4.G
Homeless Shelter	-	CUP	-	-	-	-	8.3.4.H
Lodginghouse	CUP	CUP	CUP	CUP	-	-	8.3.4.I
Residential Care Facility	CUP	CUP	CUP	CUP	-	-	8.3.4.J
Residential Drug/Alcohol Treatment Facility	-	CUP	-	CUP	-	-	8.3.4.K
<b>INDUSTRIAL USES</b>	<b>DT-C</b>	<b>DT-G</b>	<b>DT-E</b>	<b>DT-L</b>	<b>DT-T</b>	<b>DT-I</b>	<b>SECTION</b>
Artisanal Production	P <sup>1</sup>	P <sup>1</sup>	P <sup>1</sup>	SE	-	P <sup>1</sup>	8.3.5.A
Data Center	-	P	P	-	-	-	8.3.5.C
Industrial, Light	-	SE	-	-	-	-	8.3.5.E
<b>OPEN SPACE USES</b>	<b>DT-C</b>	<b>DT-G</b>	<b>DT-E</b>	<b>DT-L</b>	<b>DT-T</b>	<b>DT-I</b>	<b>SECTION</b>
Community Garden	P	P	P	P	P	-	8.3.6.B
<b>INFRASTRUCTURE USES</b>	<b>DT-C</b>	<b>DT-G</b>	<b>DT-E</b>	<b>DT-L</b>	<b>DT-T</b>	<b>DT-I</b>	<b>SECTION</b>
Solar Energy System (Small-Scale)	-	-	P <sup>1</sup>	-	-	P <sup>1</sup>	8.3.7.A
Solar Energy System (Medium-Scale)	-	-	-	-	-	CUP	8.3.7.B
Telecommunications Facilities	P <sup>1</sup>	P <sup>1</sup>	P <sup>1</sup>	P <sup>1</sup>	P <sup>1</sup>	P <sup>1</sup>	8.3.7.E
<b>TRANSPORTATION USES</b>	<b>DT-C</b>	<b>DT-G</b>	<b>DT-E</b>	<b>DT-L</b>	<b>DT-T</b>	<b>DT-I</b>	<b>SECTION</b>
Parking Lot (Principal Use)	-	SE	-	-	-	P <sup>1</sup>	8.3.8.A
Parking – Structured Facility (Principal Use)	P <sup>1</sup>	P <sup>1</sup>	P <sup>1</sup>	P <sup>1</sup>	-	P <sup>1</sup>	8.3.8.B

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



# ARTICLE 5. COMMERCIAL ZONING DISTRICTS

5.1 COMMERCE (COM) .....	5-2
5.2 COMMERCE LIMITED (CL).....	5-4
5.3 NEIGHBORHOOD BUSINESS (NB) .....	5-6
5.4 BUSINESS GROWTH & REUSE (BGR).....	5-7
5.5 OFFICE (O) .....	5-8

## 5.1 COMMERCE (COM)

### 5.1.1 Purpose

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

### 5.1.2 Dimensions & Siting

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

### 5.1.3 Buildout

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

### 5.1.4 Height

<b>Max Stories Above Grade*</b>	2
<i>*With Special Exception</i>	3.5
<b>Max Building Height*</b>	35 ft
<i>*With Special Exception</i>	50 ft

### 5.1.5 Permitted Uses

COMMERCIAL USES		SECTION
Animal Care Facility	P	8.3.2.B
Art Gallery	P	8.3.2.C
Art or Fitness Studio	P	8.3.2.D
Banking or Lending Institution	P	8.3.2.E
Bar	P	8.3.2.F
Car Wash	P	8.3.2.H
Clinic	P	8.3.2.I
<b>Day Care Center</b>	<b>P</b>	<b>8.3.2.J</b>
Event Venue	P	8.3.2.J
Funeral Home	P	8.3.2.K
Greenhouse / Nursery	P	8.3.2.L
Health Center / Gym	P	8.3.2.M
Hotel/Motel	P	8.3.2.O
Micro-Brewery/Micro-Distillery/ Micro-Winery	P	8.3.2.Q-S
Motor Vehicle Dealership	P	8.3.2.T
Neighborhood Grocery Store	P	8.3.2.U
Office	P	8.3.2.V
Personal Service Establishment	P	8.3.2.W
Private Club / Lodge	P	8.3.2.X
Recreation/Entertainment Facility - Indoor	P	8.3.2.Y
Recreation/Entertainment Facility - Outdoor	P	8.3.2.Z
Research and Development	P	8.3.2.AA
Restaurant	P	8.3.2.AB
Retail Establishment, Heavy	P	8.3.2.AC
Retail Establishment, Light	P	8.3.2.AD
Self Storage Facility - Exterior Access	P	8.3.2.AE
Self Storage Facility - Interior Access	P	8.3.2.AF
Sexually Oriented Business	P <sup>1</sup>	8.3.2.AG
Specialty Food Service	P	8.3.2.AH
Vehicle Fueling Station	P <sup>1</sup>	8.3.2.AI
Vehicle Rental Service	P	8.3.2.AJ
Vehicle Repair Facility – Major	P <sup>1</sup>	8.3.2.AK
Vehicle Repair Facility – Minor	P <sup>1</sup>	8.3.2.AL
INSTITUTIONAL USES		SECTION
Community Center	P <sup>1</sup>	8.3.3.A
Cultural Facility	P <sup>1</sup>	8.3.3.B
<b>Day Care Center</b>	<b>P</b>	<b>8.3.3.C</b>
Place of Worship	P <sup>1</sup>	8.3.3.E
Private School	P <sup>1</sup>	8.3.3.F

Senior Center	P <sup>1</sup>	8.3.3.G
<b>CONGREGATE LIVING / SOCIAL SERVICES USES</b>		<b>SECTION</b>
Domestic Violence Shelter	P <sup>1</sup>	8.3.4.A
Drug Treatment Clinic	CUP	8.3.4.B
Food Pantry	P	8.3.4.D
Group Resource Center	CUP	8.3.4.G
Homeless Shelter	CUP	8.3.4.H
Lodginghouse	CUP	8.3.4.I
Residential Care Facility	CUP	8.3.4.J
Residential Drug/Alcohol Treatment Facility	CUP	8.3.4.K
<b>INDUSTRIAL USES</b>		<b>SECTION</b>
Artisanal Production	P <sup>1</sup>	8.3.5.A
Data Center	P	8.3.5.C
Industrial, Light	SE	8.3.5.E
Outdoor Storage Yard	P	8.3.5.F
<b>OPEN SPACE USES</b>		<b>SECTION</b>
Conservation Area	P	8.3.6.C
<b>INFRASTRUCTURE USES</b>		<b>SECTION</b>
Solar Energy System (Small-Scale)	P <sup>1</sup>	8.3.7.A
Solar Energy System (Medium-Scale)	CUP	8.3.7.B
Telecommunications Facilities	P <sup>1</sup>	8.3.7.E
<b>TRANSPORTATION USES</b>		<b>SECTION</b>
Parking Lot (Principal Use)	P <sup>1</sup>	8.3.8.A
Parking – Structured Facility (Principal Use)	P <sup>1</sup>	8.3.8.B

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

## 5.2 COMMERCE LIMITED (CL)

### 5.2.1 Purpose

The Commerce Limited (CL) District is intended to provide for a mixture of commercial and light industrial uses that may require larger land area and have less intense vehicle traffic as in the Commerce District. Curb cuts shall be a minimum of 150-ft from any intersection, and shall be a minimum of 450-ft apart, except that each lot shall be entitled to access, either through its own curb cut or a common curb cut shared with other lots. All uses in this district shall have city water and sewer service.

### 5.2.2 Dimensions & Siting

<b>Min Lot Area</b>	20,000 sf
<b>Min Lot Width at Building Line</b>	100 ft
<b>Min Road Frontage</b>	100 ft
<b>Min Front Setback</b>	100 ft
<b>Min Rear Setback</b>	20 ft
<i>Min rear setback if abutting a residential district</i>	50 ft
<b>Min Side Setback</b>	20 ft

### 5.2.3 Buildout

<b>Max Building Coverage</b>	40%
<b>Max Impervious Coverage</b>	70%
<b>Min Green / Open Space</b>	30%

### 5.2.4 Height

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

## 5.2.5 Permitted Uses

COMMERCIAL USES		SECTION
Animal Care Facility	P	8.3.2.B
Art Gallery	P	8.3.2.C
Art or Fitness Studio	P	8.3.2.D
Banking or Lending Institution	P	8.3.2.E
Bar	P	8.3.2.F
Car Wash	P	8.3.2.H
Clinic	P	8.3.2.I
<b>Day Care Center</b>	<b>P</b>	<b>8.3.2.J</b>
Funeral Home	P	8.3.2.K
Greenhouse / Nursery	P	8.3.2.L
Health Center / Gym	P	8.3.2.M
Heavy Rental & Service Establishment	P	8.3.2.N
Micro-Brewery/Micro-Distillery/ Micro-Winery	P	8.3.2.Q-S
Motor Vehicle Dealership	P	8.3.2.T
Office	P	8.3.2.V
Personal Service Establishment	P	8.3.2.W
Private Club / Lodge	P	8.3.2.X
Recreation/Entertainment Facility - Indoor	P	8.3.2.Y
Recreation/Entertainment Facility - Outdoor	P	8.3.2.Z
Research and Development	P	8.3.2.AA
Restaurant	P	8.3.2.AB
Retail Establishment, Heavy	P	8.3.2.AC
Retail Establishment, Light	P	8.3.2.AD
Self Storage Facility - Exterior Access	P	8.3.2.AE
Self Storage Facility - Interior Access	P	8.3.2.AF
Specialty Food Service	P	8.3.2.AH
Vehicle Fueling Station	P <sup>1</sup>	8.3.2.AI
Vehicle Rental Service	P	8.3.2.AJ
Vehicle Repair Facility – Major	P <sup>1</sup>	8.3.2.AK
Vehicle Repair Facility – Minor	P <sup>1</sup>	8.3.2.AL
INSTITUTIONAL USES		SECTION
<b>Day Care Center</b>	<b>P</b>	<b>8.3.3.C</b>
INDUSTRIAL USES		SECTION
Artisanal Production	P <sup>1</sup>	8.3.5.A
Bulk storage & distribution, excluding flammable material	P	8.3.5.B
Data Center	P	8.3.5.C
Industrial, Light	SE	8.3.5.E

Outdoor Storage Yard	P	8.3.5.F
Warehouse & Distribution	P	8.3.5.G
Wholesale	P	8.3.5.H

<b>OPEN SPACE USES</b>		<b>SECTION</b>
Community Garden	P	8.3.6.B
Conservation Area	P	8.3.6.C

<b>INFRASTRUCTURE USES</b>		<b>SECTION</b>
Solar Energy System (Small-Scale)	P <sup>1</sup>	8.3.7.A
Solar Energy System (Medium-Scale)	CUP	8.3.7.B
Public Utility Facilities	SE	8.3.7.D
Telecommunications Facilities	P <sup>1</sup>	8.3.7.E

<b>TRANSPORTATION USES</b>		<b>SECTION</b>
Parking Lot (Principal Use)	P <sup>1</sup>	8.3.8.A
Parking – Structured Facility (Principal Use)	P <sup>1</sup>	8.3.8.B

*P = Permitted*  
*P<sup>1</sup> = Permitted with limitations per Article 8.*  
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## 5.3 NEIGHBORHOOD BUSINESS (NB)

### 5.3.1 Purpose

The Neighborhood Business (NB) District is intended to serve as an additional downtown zoning district that promotes smaller-sized business and professional uses, which support adjacent neighborhoods and workplaces, with an orientation toward pedestrian and bicycle access. Some uses are restricted in size to limit adverse impacts on nearby residences and to maintain a pedestrian scale of development. All uses in this district shall have city water and sewer service.

### 5.3.2 Dimensions & Siting

<b>Min Lot Area</b>	8,000 sf
<b>Min Road Frontage</b>	50 ft
<b>Front Setback</b>	5-10 ft Build-to Zone
<b>Min Rear Setback</b>	20 ft
<b>Corner Side Setback</b>	5-10 ft Build-to Zone
<b>Min Interior Side Setback</b>	10 ft

### 5.3.3 Buildout

<b>Max Building Coverage</b>	55%
<b>Max Impervious Coverage</b>	65%
<b>Min Green / Open Space</b>	35%

### 5.3.4 Height

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

## 5.3.5 Permitted Uses

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

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

### 5.4 BUSINESS GROWTH & REUSE (BGR)

#### 5.4.1 Purpose

The Business Growth & Reuse (BGR) District is intended to serve as an additional downtown zoning district that provides opportunity for redevelopment and revitalization of a former industrial area in an environmentally sensitive manner that is of a scale and type compatible with adjacent residential neighborhoods. The development in this District should be oriented towards pedestrian and bicyclist access. All uses in this district shall have city water and sewer service.

#### 5.4.2 Dimensions & Siting

<b>Min Lot Area</b>	8,000 sf
<b>Min Road Frontage</b>	50 ft
<b>Front Setback</b>	5-10 ft Build-to Zone
<b>Min Rear Setback</b>	20 ft
<b>Corner Side Setback</b>	5-10 ft Build-to Zone
<b>Min Interior Side Setback</b>	10 ft

#### 5.4.3 Buildout

<b>Max Building Coverage</b>	55%
<b>Max Impervious Coverage</b>	65%
<b>Min Green / Open Space</b>	35%

#### 5.4.4 Height

<b>Max Stories Above Grade</b>	3
Max stories above grade with first floor parking	4

### 5.4.5 Permitted Uses

RESIDENTIAL USES		SECTION
Dwelling, Above Ground Floor	P	8.3.1.A
Dwelling, Multifamily	P	8.3.1.C
COMMERCIAL USES		SECTION
Art Gallery	P	8.3.2.C
Art or Fitness Studio	P	8.3.2.D
Bed and Breakfast	P <sup>1</sup>	8.3.2.G
<b>Day Care Center</b>	<b>P</b>	<b>8.3.2.J</b>
Greenhouse / Nursery	P	8.3.2.L
Health Center / Gym	P	8.3.2.M
Neighborhood Grocery Store	P	8.3.2.U
Office	P <sup>1</sup>	8.3.2.V
Research and Development	P	8.3.2.AA
Restaurant	P <sup>1</sup>	8.3.2.AB
Specialty Food Service	P	8.3.2.AH
INSTITUTIONAL USES		SECTION
Community Center	SE	8.3.3.A
Cultural Facility	P <sup>1</sup>	8.3.3.B
<b>Day Care Center</b>	<b>P</b>	<b>8.3.3.C</b>
Private School	P <sup>1</sup>	8.3.3.F
Senior Center	SE	8.3.3.G
CONGREGATE LIVING / SOCIAL SERVICES USES		SECTION
Residential Care Facility	CUP	8.3.4.J
INDUSTRIAL USES		SECTION
Artisanal Production	P <sup>1</sup>	8.3.5.A
Data Center	P	8.3.5.C
Industrial, Light	P <sup>1</sup>	8.3.5
Warehouse & Distribution	P <sup>1</sup>	8.3.5
Wholesale	P <sup>1</sup>	8.3.5
OPEN SPACE USES		SECTION
Community Garden	P	8.3.6.B
Conservation Area	P	8.3.6.C
INFRASTRUCTURE USES		SECTION
Solar Energy System (Small-Scale)	P <sup>1</sup>	8.3.7.A
Solar Energy System (Medium-Scale)	CUP	8.3.7.B
Solar Energy System (Large-Scale)	CUP	8.3.7.C
Telecommunications Facilities	P <sup>1</sup>	8.3.7.E

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CUP = Permitted by Conditional Use Permit

## 5.5 OFFICE (O)

### 5.5.1 Purpose

The Office (O) District is intended to provide for noncommercial offices and low intensity uses within walking distance to the downtown, while preserving the look and feel of a residential area. This district serves as a buffer between areas of intense commercial activity and residential areas. All uses in this district shall have city water or sewer service.

### 5.5.2 Dimensions & Siting

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

### 5.5.3 Buildout

<b>Max Building Coverage</b>	50%
<b>Max Impervious Coverage</b>	70%
<b>Min Green / Open Space</b>	30%

### 5.5.4 Height

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

## 5.5.5 Permitted Uses

RESIDENTIAL USES		SECTION
Dwelling, Above Ground Floor	P	8.3.1.A
Dwelling, Multifamily	P	8.3.1.C
Dwelling, Single-Family	P	8.3.1.D
Dwelling, Two-Family / Duplex	P	8.3.1.E
COMMERCIAL USES		SECTION
Bed and Breakfast	P <sup>1</sup>	8.3.2.G
<b>Day Care Center</b>	<b>SE</b>	<b>8.3.2.J</b>
Funeral Home	P	8.3.2.K
Office	P	8.3.2.V
Private Club / Lodge	SE	8.3.2.X
INSTITUTIONAL USES		SECTION
Community Center	SE	8.3.3.A
Cultural Facility	SE	8.3.3.B
<b>Day Care Center</b>	<b>SE</b>	<b>8.3.3.C</b>
Senior Center	SE	8.3.3.G
CONGREGATE LIVING / SOCIAL SERVICES USES		SECTION
Group Home, Small	CUP	8.3.4.F
INFRASTRUCTURE USES		SECTION
Telecommunications Facilities	P <sup>1</sup>	8.3.7.E

P = Permitted

P<sup>1</sup> = Permitted with limitations per Article 8.

SE = Permitted by Special Exception

CUP = Permitted by Conditional Use Permit



# ARTICLE 6. INDUSTRIAL ZONING DISTRICTS

6.1 CORPORATE PARK (CP) .....6-2

6.2 INDUSTRIAL (I) .....6-3

6.3 INDUSTRIAL PARK (IP) .....6-4

## 6.1 CORPORATE PARK (CP)

### 6.1.1 Purpose

The Corporate Park (CP) District is intended to allow industrial and large-scale office activity in a parklike setting. On-site services or retail activity should be limited to uses that are clearly accessory to a primary business or necessary support services to a corporate park environment. It is the intent of this zone to preclude small offices, except those accessory to permitted uses. All uses in this district shall have city sewer and water services.

### 6.1.2 Dimensions & Siting

<b>Min Lot Area</b>	2 acres
<b>Min Lot Width at Building Line</b>	200 ft
<b>Min Road Frontage</b> (may be along internal road)	100 ft
<b>Min Front Setback</b>	40 ft
<b>Min Rear Setback</b>	50 ft
Min rear setback if abutting residential district	75 ft
<b>Min Side Setback<sup>1</sup></b>	50 ft
Min side setback if abutting residential district	75 ft

<sup>1</sup>One side setback may be reduced to 40-ft with no parking on this side of the building

### 6.1.3 Buildout

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

### 6.1.4 Height

<b>Max Building Height</b>	60 ft
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### 6.1.5 Additional Site Requirements

- A. Curb cuts onto arterial roadways within this district shall be at least 1,000-ft apart.
- B. No more than 100 tractor-trailer vehicle trips per day shall be permitted for any use in this district.

## 6.1.6 Permitted Uses

COMMERCIAL USES		SECTION
<b>Day Care Center</b>	<b>P</b>	<b>8.3.2.J</b>
Office	P <sup>1</sup>	8.3.2.V
Research and Development	P	8.3.2.AA
INSTITUTIONAL USES		SECTION
<b>Day Care Center</b>	<b>P</b>	<b>8.3.3.C</b>
INDUSTRIAL USES		SECTION
Data Center	P	8.3.5.C
Industrial, Light	P	8.3.5.E
Warehouse & Distribution	P	8.3.5.G
INFRASTRUCTURE USES		SECTION
Solar Energy System (Small-Scale)	P <sup>1</sup>	8.3.7.A
Solar Energy System (Medium-Scale)	CUP	8.3.7.B
Solar Energy System (Large-Scale)	CUP	8.3.7.C
Public Utility Facilities	SE	8.3.7.D
Telecommunications Facilities	P <sup>1</sup>	8.3.7.E
TRANSPORTATION USES		SECTION
Parking Lot (Principal Use)	P <sup>1</sup>	8.3.8.A
Parking – Structured Facility (Principal Use)	P <sup>1</sup>	8.3.8.B

P = Permitted

P<sup>1</sup> = Permitted with limitations per Article 8.

SE = Permitted by Special Exception

CUP = Permitted by Conditional Use Permit

## 6.2 INDUSTRIAL (I)

### 6.2.1 Purpose

The Industrial (I) District is intended to provide space for industrial activities (e.g. manufacturing, warehousing, distribution) not typically suited for commercial areas by virtue of operational characteristics and space needs. Retail sales and offices should be allowed only as accessory uses. All uses in this district shall have city water and sewer service.

### 6.2.2 Dimensions & Siting

<b>Min Lot Area</b>	None
<b>Min Lot Width at Building Line</b>	None
<b>Min Road Frontage</b>	50 ft
<b>Min Front Setback</b>	20 ft
<b>Min Rear Setback</b>	20 ft
<i>Min rear setback if abutting a residential district</i>	50 ft
<b>Min Side Setback</b>	15 ft

### 6.2.3 Buildout

<b>Max Building Coverage</b>	80%
<b>Max Impervious Coverage</b>	80%

### 6.2.4 Height

<b>Max Stories Above Grade*</b>	2
<i>*With Special Exception</i>	3.5
<b>Max Building Height*</b>	35 ft
<i>*With Special Exception</i>	50 ft

## 6.2.5 Permitted Uses

COMMERCIAL USES		SECTION
Art or Fitness Studio	P	8.3.2.D
Car Wash	P	8.3.2.H
<b>Day Care Center</b>	<b>SE</b>	<b>8.3.2.J</b>
Greenhouse / Nursery	P	8.3.2.L
Health Center / Gym	P	8.3.2.M
Heavy Rental & Service Establishment	P	8.3.2.N
Office	SE	8.3.2.V
Research and Development	P	8.3.2.AA
Self Storage Facility - Exterior Access	P	8.3.2.AE
Self Storage Facility - Interior Access	P	8.3.2.AF
Vehicle Repair Facility – Major	P <sup>1</sup>	8.3.2.AK
Vehicle Repair Facility – Minor	P <sup>1</sup>	8.3.2.AL
INSTITUTIONAL USES		SECTION
<b>Day Care Center</b>	<b>SE</b>	<b>8.3.3.C</b>
INDUSTRIAL USES		SECTION
Artisanal Production	P	8.3.5.A
Bulk storage & distribution of goods, including flammable material	P	8.3.5.B
Bulk storage & distribution, excluding flammable material	P	8.3.5.B
Data Center	P	8.3.5.C
Industrial, Heavy	P	8.3.5.D
Industrial, Light	P	8.3.5.E
Outdoor Storage Yard	P	8.3.5.F
Warehouse & Distribution	P	8.3.5.G
Wholesale	P	8.3.5.H
OPEN SPACE USES		SECTION
Conservation Area	P	8.3.6.C
INFRASTRUCTURE USES		SECTION
Solar Energy System (Small-Scale)	P <sup>1</sup>	8.3.7.A
Solar Energy System (Medium-Scale)	P <sup>1</sup>	8.3.7.B
Solar Energy System (Large-Scale)	P <sup>1</sup>	8.3.7.C
Public Utility Facilities	P	8.3.7.D
Telecommunications Facilities	P <sup>1</sup>	8.3.7.E

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

## 6.3 INDUSTRIAL PARK (IP)

### 6.3.1 Purpose

The Industrial Park (IP) District is intended to provide for relatively low-intensity manufacturing and research and development firms that are employee intensive, clean in nature, and promote an attractive industrial park environment. Service operations and sales activities are excluded from this district, except for minor sales that may be accessory to the primary use. All uses in this district shall have city water and sewer service.

### 6.3.2 Dimensions & Siting

<b>Min Lot Area</b>	4 acres
<b>Min Road Frontage</b>	50 ft
<b>Min Front Setback</b>	50 ft
<b>Min Rear Setback</b>	50 ft
<b>Min Side Setback</b>	30 ft

### 6.3.3 Buildout

<b>Max Building Coverage</b>	25%
<b>Max Impervious Coverage</b>	70%

### 6.3.4 Height

<b>Max Stories Above Grade*</b>	2
<i>*With Special Exception</i>	3,5
<b>Max Building Height*</b>	35 ft
<i>*With Special Exception</i>	50 ft

## 6.3.5 Permitted Uses

COMMERCIAL USES		SECTION
<b>Day Care Center</b>	<b>P</b>	<b>8.3.2.J</b>
Office	SE	8.3.2.V
Research and Development	P	8.3.2.AA
INSTITUTIONAL USES		SECTION
<b>Day Care Center</b>	<b>P</b>	<b>8.3.3.C</b>
INDUSTRIAL USES		SECTION
Data Center	P	8.3.5.C
Industrial, Light	P	8.3.5.E
OPEN SPACE USES		SECTION
Conservation Area	P	8.3.6.C
INFRASTRUCTURE USES		SECTION
Solar Energy System (Small-Scale)	P <sup>1</sup>	8.3.7.A
Solar Energy System (Medium-Scale)	CUP	8.3.7.B
Solar Energy System (Large-Scale)	CUP	8.3.7.C
Telecommunications Facilities	P <sup>1</sup>	8.3.7.E

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# ARTICLE 7. SPECIAL PURPOSE ZONING DISTRICTS

7.1 REGIONAL HEALTH CARE (HC).....7-2

7.2 AGRICULTURE (A) .....7-3

7.3 CONSERVATION (C).....7-4

## 7.1 REGIONAL HEALTH CARE (HC)

### 7.1.1 Purpose

The Regional Health Care (HC) District is intended to provide land area for larger-scale health care institutions and their associated facilities and services, ranging from wellness and education programs to care for the acutely and chronically ill. Uses that are clearly accessory to a primary health care use and/or necessary as support services to provide a successful health care delivery system may be allowed. All uses in this district shall have city water and sewer services.

### 7.1.2 Dimensions & Siting

<b>Min Lot Area</b>	2 acres
<b>Min Lot Width at Building Line</b>	50 ft
<b>Min Road Frontage</b>	50 ft
<b>Min Front Setback</b>	50 ft
<b>Min Rear Setback</b>	20 ft
<b>Min Side Setback</b>	20 ft

### 7.1.3 Buildout

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

### 7.1.4 Height

<b>Max Stories Above Grade</b>	4
<b>Max Building Height</b>	55 ft

## 7.1.5 Permitted Uses

COMMERCIAL USES		SECTION
Clinic	P	8.3.2.I
<del>Day Care Center</del>	<del>P</del>	<del>8.3.2.J</del>
Health Center / Gym	P	8.3.2.M
Office	P	8.3.2.V
Personal Service Establishment	P	8.3.2.W
Research and Development	P	8.3.2.AA
Retail Establishment, Light	P	8.3.2.AD
INSTITUTIONAL USES		SECTION
<del>Day Care Center</del>	<del>P</del>	<del>8.3.3.C</del>
Hospital	P <sup>1</sup>	8.3.3.D
CONGREGATE LIVING / SOCIAL SERVICES USES		SECTION
Drug Treatment Clinic	CUP	8.3.4.B
Group Resource Center	CUP	8.3.4.G
Residential Care Facility	CUP	8.3.4.J
Residential Drug/Alcohol Treatment Facility	CUP	8.3.4.K
OPEN SPACE USES		SECTION
Conservation Area	P	8.3.6.C
INFRASTRUCTURE USES		SECTION
Solar Energy System (Small-Scale)	P <sup>1</sup>	8.3.7.A
Solar Energy System (Medium-Scale)	CUP	8.3.7.B
Telecommunications Facilities	P <sup>1</sup>	8.3.7.E
TRANSPORTATION USES		SECTION
Parking Lot (Principal Use)	P <sup>1</sup>	8.3.8.A
Parking – Structured Facility (Principal Use)	P <sup>1</sup>	8.3.8.B

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# ARTICLE 8. PERMITTED USES

8.1 GENERAL.....8-2

8.2 INSTITUTIONAL USE STREET LIST .....8-3

8.3 PRINCIPAL USES .....8-4

8.4 ACCESSORY USES & STRUCTURES..... 8-21

### 8.3.2 Commercial Uses

#### A. Agricultural-Related Educational and Recreational Activity as a Business.

1. **Defined.** A commercial activity that is appropriate to a farm or rural setting and/or relates to agricultural uses or customs. Activities may include programs, functions, and other demonstrations that are either recreational or educational in nature (e.g. sleigh rides, hay rides, petting farms) and other demonstrations of rural, agricultural and natural resource activities and customs.
2. **Use Standards**
  - a. There shall be no outdoor display of equipment for sale.
  - b. Adequate road access to the site shall be available.
  - c. All parking, including special event parking, shall be on-site with screening from roads and adjacent properties.
  - d. Roadside spectator parking is prohibited and shall be controlled by directional/informational signage, fencing, and/or providing traffic control personnel.
  - e. On-site water storage may be required to ensure adequate fire protection if city water service of adequate volume and pressure is not available at the site.
  - f. Toilet facilities for employees and visitors, which are deemed satisfactory by the City's Building and Health Official, shall be provided within 300-ft of the primary activity area.
  - g. Adequate solid waste disposal and recycling facilities shall be provided, which are screened from the road and adjacent properties.

- h. Areas of special environmental sensitivity (e.g. surface waters, floodplains, wellfields, or steep slopes) shall be adequately protected.
- i. No outdoor activities requiring artificial lighting shall be held after 10:00 pm.
- j. No more than 100 visitors shall be allowed for outdoor functions after 10:00 pm.
- k. There shall be no more than 400 persons on the property at any one time, nor shall the site be visited by more than 250 vehicles within any 24-hour period, unless an Outdoor Event License has been obtained from the City Clerk in accordance with Chapter 46 of the City Code of Ordinances.

#### B. Animal Care Facility

1. **Defined.** An establishment that provides care for domestic animals, including veterinary offices for the treatment of animals where such animals may be boarded indoors during their convalescence and pet grooming facilities. An animal care facility does not include kennels or animal training centers.

#### C. Art Gallery

1. **Defined.** An establishment that sells, loans, or displays works of art (e.g. paintings, sculpture, photographs, video art, etc.). Art gallery does not include a cultural facility.

#### D. Art or Fitness Studio

1. **Defined.** An establishment where an art or activity is taught, studied, or practiced in a classroom or studio setting (e.g. dance, martial arts, photography, pottery, music, painting, gymnastics, pilates, yoga, etc.).

#### E. Banking or Lending Institution

1. **Defined.** An establishment that is engaged in the business of a bank, savings and loan association, or credit union that is regulated by state or federal authority.



**F. Bar**

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

**G. Bed and Breakfast**

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

**H. Car Wash**

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

**I. Clinic**

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

**J. Day Care Center**

1. **Defined.** A facility where, for a portion of a 24-hour day, licensed care and supervision is provided in a protective setting outside of a residential dwelling for children or elderly and/or natural persons with functional impairments that are not related to the owner or operator.

**J. Event Venue**

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

**K. Funeral Home**

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

**L. Greenhouse / Nursery**

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

**M. Health Center / Gym**

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

**N. Heavy Rental and Service Establishment**

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

**O. Hotel/Motel**

### 8.3.3 Institutional Uses

#### A. Community Center

1. **Defined.** A facility used as a place of meeting, recreation, or social activity, which may offer a variety of educational and community service activities.
2. **Use Standard.** If this use is located directly adjacent to or within a residential zoning district, the side and rear building setbacks shall be double the requirements in the zoning district, unless an alternative solution is approved by the Planning Board as part of a site plan.

#### B. Cultural Facility

1. **Defined.** A facility open to the public that provides access to cultural exhibits and activities including, but not limited to, museums, cultural or historical centers, and libraries.
2. **Use Standards.** If this use is located directly adjacent to or within a residential zoning district, the side and rear building setbacks shall be double the requirements in the zoning district, unless an alternative solution is approved by the Planning Board as part of a site plan.

#### C. Day Care Center

1. **Defined.** A facility where, for a portion of a 24-hour day, licensed care and supervision is provided in a protective setting outside of a residential dwelling for children or elderly and/or natural persons with functional impairments that are not related to the owner or operator.

#### D. Hospital

1. **Defined.** A medical facility where acute medical and surgical care is given to natural persons on an inpatient basis. Such facility may also have outpatient facilities and ancillary uses integral to its functions (e.g. laboratories, cafeterias, gift shops, classrooms, temporary housing for families of admitted patients, offices, etc.).

2. **Use Standard.** If this use is located directly adjacent to a residential zoning district, the side and rear building setbacks shall be double the requirements in the zoning district, unless an alternative solution is approved by the Planning Board as part of a site plan.

#### E. Place of Worship

1. **Defined.** A facility where persons regularly assemble for religious purposes and related events.
2. **Use Standard.** If this use is located directly adjacent to or within a residential zoning district, the side and rear building setbacks shall be double the requirements in the zoning district, unless an alternative solution is approved by the Planning Board as part of a site plan.

#### F. Private School

1. **Defined.** An establishment that offers training and instruction in knowledge or physical skills, which is operated for that purpose only, and on a full-time basis. An educational facility may include, but is not limited to, facilities that offer early childhood, primary, secondary, post-secondary, and vocational education or instruction.
2. **Use Standards**
  - a. In the Business Growth and Reuse District, this shall occupy no more than 30,000-sf in gross floor area, unless granted a special exception from the Zoning Board of Adjustment.
  - b. If this use is located directly adjacent to or within a residential zoning district, the side and rear building setbacks shall be double the requirements in the zoning district, unless an alternative solution is approved by the Planning Board as part of a site plan.

TABLE 8-1: PERMITTED PRINCIPAL USES BY ZONING DISTRICT

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

Use Definition & Standards Section #

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

TABLE 8-1: PERMITTED PRINCIPAL USES BY ZONING DISTRICT

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Use Definition & Standards Section #

	R	RP	LD	LD-1	MD	HD	HD-1	DT-C	DT-G	DT-E	DT-L	DT-T	DT-I	COM	CL	BGR	NB	O	CP	I	IP	HC	A	C	
Vehicle Rental Service	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P	P	-	-	-	-	-	-	-	-	8.3.2.AJ
Vehicle Repair Facility – Major	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P1	P1	-	-	-	-	P1	-	-	-	8.3.2.AK
Vehicle Repair Facility – Minor	-	-	-	-	-	-	-	-	P1	P1	-	-	-	-	P1	P1	-	-	-	-	P1	-	-	-	8.3.2.AL
<b>INSTITUTIONAL USES (See Article 8.2 for additional use locations)</b>	<b>R</b>	<b>RP</b>	<b>LD</b>	<b>LD-1</b>	<b>MD</b>	<b>HD</b>	<b>HD-1</b>	<b>DT-C</b>	<b>DT-G</b>	<b>DT-E</b>	<b>DT-L</b>	<b>DT-T</b>	<b>DT-I</b>	<b>COM</b>	<b>CL</b>	<b>BGR</b>	<b>NB</b>	<b>O</b>	<b>CP</b>	<b>I</b>	<b>IP</b>	<b>HC</b>	<b>A</b>	<b>C</b>	
Community Center	-	-	-	-	-	-	-	P1	P1	P1	P1	SE	P1	P1	-	SE	-	SE	-	-	-	-	-	-	8.3.3.A
Cultural Facility	-	-	-	-	-	-	-	P1	P1	P1	P1	SE	P1	P1	-	P1	-	SE	-	-	-	-	-	-	8.3.3.B
<b>Day Care Center</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>P</b>	<b>P</b>	<b>P</b>	<b>SE</b>	<b>SE</b>	<b>P</b>	<b>P</b>	<b>P</b>	<b>P</b>	<b>SE</b>	<b>SE</b>	<b>P</b>	<b>SE</b>	<b>P</b>	<b>P</b>	<b>-</b>	<b>-</b>	<b>8.3.3.C</b>
Hospital	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P1	-	-	8.3.3.D
Place of Worship	-	-	-	-	-	-	-	P1	P1	P1	P1	-	P1	P1	-	-	-	-	-	-	-	-	-	-	8.3.3.E
Private School	-	-	-	-	-	-	-	P1	P1	P1	-	-	P1	P1	-	P1	-	-	-	-	-	-	-	-	8.3.3.F
Senior Center	-	-	-	-	-	SE	-	P1	P1	P1	P1	SE	-	P1	-	SE	-	SE	-	-	-	-	-	-	8.3.3.G
<b>CONGREGATE LIVING &amp; SOCIAL SERVICE USES</b>	<b>R</b>	<b>RP</b>	<b>LD</b>	<b>LD-1</b>	<b>MD</b>	<b>HD</b>	<b>HD-1</b>	<b>DT-C</b>	<b>DT-G</b>	<b>DT-E</b>	<b>DT-L</b>	<b>DT-T</b>	<b>DT-I</b>	<b>COM</b>	<b>CL</b>	<b>BGR</b>	<b>NB</b>	<b>O</b>	<b>CP</b>	<b>I</b>	<b>IP</b>	<b>HC</b>	<b>A</b>	<b>C</b>	
Domestic Violence Shelter	-	-	-	-	P1	P1	-	P1	P1	P1	P1	-	-	P1	-	-	-	-	-	-	-	-	-	-	8.3.4.A
Drug Treatment Clinic	-	-	-	-	-	-	-	-	CUP	-	-	-	-	CUP	-	-	-	-	-	-	-	-	CUP	-	8.3.4.B
Fraternity/Sorority	-	-	-	-	-	-	-	-	-	-	-	-	CUP	-	-	-	-	-	-	-	-	-	-	-	8.3.4.C
Food Pantry	-	-	-	-	-	-	-	P	P	P	P	-	-	P	-	-	-	-	-	-	-	-	-	-	8.3.4.D
Group Home, Large	-	-	-	-	-	CUP	CUP	CUP	CUP	-	CUP	-	-	-	-	-	-	-	-	-	-	-	-	-	8.3.4.E
Group Home, Small	CUP	CUP	CUP	CUP	CUP	CUP	CUP	CUP	CUP	-	CUP	CUP	-	-	-	-	CUP	CUP	-	-	-	-	-	-	8.3.4.F
Group Resource Center	-	-	-	-	-	-	-	CUP	CUP	CUP	CUP	-	CUP	CUP	-	-	-	-	-	-	-	-	CUP	-	8.3.4.G
Homeless Shelter	-	-	-	-	-	-	-	-	CUP	-	-	-	-	CUP	-	-	-	-	-	-	-	-	-	-	8.3.4.H
Lodginghouse	-	-	-	-	-	CUP	-	CUP	CUP	CUP	CUP	-	-	CUP	-	-	-	-	-	-	-	-	-	-	8.3.4.I
Residential Care Facility	-	-	-	-	-	CUP	CUP	CUP	CUP	CUP	CUP	-	-	CUP	-	CUP	CUP	-	-	-	-	-	CUP	-	8.3.4.J
Residential Drug/Alcohol Treatment Facility	-	-	-	-	-	-	-	-	CUP	-	CUP	-	-	CUP	-	-	-	-	-	-	-	-	CUP	-	8.3.4.K
<b>INDUSTRIAL USES</b>	<b>R</b>	<b>RP</b>	<b>LD</b>	<b>LD-1</b>	<b>MD</b>	<b>HD</b>	<b>HD-1</b>	<b>DT-C</b>	<b>DT-G</b>	<b>DT-E</b>	<b>DT-L</b>	<b>DT-T</b>	<b>DT-I</b>	<b>COM</b>	<b>CL</b>	<b>BGR</b>	<b>NB</b>	<b>O</b>	<b>CP</b>	<b>I</b>	<b>IP</b>	<b>HC</b>	<b>A</b>	<b>C</b>	
Artisanal Production	-	-	-	-	-	-	-	P1	P1	P1	SE	-	P1	P1	P1	P1	-	-	-	-	P	-	-	-	8.3.5.A
Bulk storage & distribution of goods, including flammable material	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P	-	-	-	8.3.5.B
Bulk storage & distribution, excluding flammable material	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P	-	-	-	-	-	P	-	-	-	8.3.5.B
Data Center	-	-	-	-	-	-	-	-	P	P	-	-	-	P	P	P	-	-	-	P	P	P	-	-	8.3.5.C
Industrial, Heavy	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P	-	-	-	8.3.5.D
Industrial, Light	-	-	-	-	-	-	-	-	SE	-	-	-	-	SE	SE	P1	-	-	-	P	P	P	-	-	8.3.5.E
Outdoor Storage Yard	-	-	-	-	-	-	-	-	-	-	-	-	-	P	P	-	-	-	-	-	P	-	-	-	8.3.5.F
Warehouse & Distribution	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P	P1	-	-	-	P	P	-	-	-	8.3.5.G
Wholesale	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P	P1	-	-	-	-	P	-	-	-	8.3.5.H
<b>OPEN SPACE USES</b>	<b>R</b>	<b>RP</b>	<b>LD</b>	<b>LD-1</b>	<b>MD</b>	<b>HD</b>	<b>HD-1</b>	<b>DT-C</b>	<b>DT-G</b>	<b>DT-E</b>	<b>DT-L</b>	<b>DT-T</b>	<b>DT-I</b>	<b>COM</b>	<b>CL</b>	<b>BGR</b>	<b>NB</b>	<b>O</b>	<b>CP</b>	<b>I</b>	<b>IP</b>	<b>HC</b>	<b>A</b>	<b>C</b>	
Cemetery	P	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P	P	8.3.6.A
Community Garden	P	P	P	P	P	P	P	P	P	P	P	P	-	-	P	P	P	-	-	-	-	-	P	-	8.3.6.B
Conservation Area	P	P	P	P	P	P	P	-	-	-	-	-	-	P	P	P	P	-	-	P	P	P	P	P	8.3.6.C
Farming	P	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P	-	8.3.6.D
Golf Course	P1	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P1	-	8.3.6.E
Gravel Pit	SE	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	8.3.6.F

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

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

**Use Definition  
& Standards  
Section #**

<b>INFRASTRUCTURE USES</b>	<b>R</b>	<b>RP</b>	<b>LD</b>	<b>LD-1</b>	<b>MD</b>	<b>HD</b>	<b>HD-1</b>	<b>DT-C</b>	<b>DT-G</b>	<b>DT-E</b>	<b>DT-L</b>	<b>DT-T</b>	<b>DT-I</b>	<b>COM</b>	<b>CL</b>	<b>BGR</b>	<b>NB</b>	<b>O</b>	<b>CP</b>	<b>I</b>	<b>IP</b>	<b>HC</b>	<b>A</b>	<b>C</b>	
Solar Energy System (Small-Scale)	P <sup>1</sup>	-	-	-	-	-	-	-	-	P <sup>1</sup>	-	-	P <sup>1</sup>	P <sup>1</sup>	P <sup>1</sup>	P <sup>1</sup>	-	-	P <sup>1</sup>	P <sup>1</sup>	P <sup>1</sup>	P <sup>1</sup>	-	-	8.3.7.A
Solar Energy System (Medium-Scale)	CUP	-	-	-	-	-	-	-	-	-	-	-	CUP	CUP	CUP	CUP	-	-	CUP	P <sup>1</sup>	CUP	CUP	-	-	8.3.7.B
Solar Energy System (Large-Scale)	CUP	-	-	-	-	-	-	-	-	-	-	-	-	-	-	CUP	-	-	CUP	P <sup>1</sup>	CUP	-	-	-	8.3.7.C
Public Utility Facilities	-	-	-	-	-	-	-	-	-	-	-	-	-	-	SE	-	-	-	SE	P	-	-	-	-	8.3.7.D
Telecommunications Facilities	P <sup>1</sup>	P <sup>1</sup>	P <sup>1</sup>	P <sup>1</sup>	P <sup>1</sup>	P <sup>1</sup>	P <sup>1</sup>	P <sup>1</sup>	P <sup>1</sup>	P <sup>1</sup>	P <sup>1</sup>	P <sup>1</sup>	P <sup>1</sup>	P <sup>1</sup>	P <sup>1</sup>	P <sup>1</sup>	P <sup>1</sup>	P <sup>1</sup>	P <sup>1</sup>	P <sup>1</sup>	P <sup>1</sup>	P <sup>1</sup>	P <sup>1</sup>	P <sup>1</sup>	8.3.7.E
<b>TRANSPORTATION USES</b>	<b>R</b>	<b>RP</b>	<b>LD</b>	<b>LD-1</b>	<b>MD</b>	<b>HD</b>	<b>HD-1</b>	<b>DT-C</b>	<b>DT-G</b>	<b>DT-E</b>	<b>DT-L</b>	<b>DT-T</b>	<b>DT-I</b>	<b>COM</b>	<b>CL</b>	<b>BGR</b>	<b>NB</b>	<b>O</b>	<b>CP</b>	<b>I</b>	<b>IP</b>	<b>HC</b>	<b>A</b>	<b>C</b>	
Parking Lot (Principal Use)	-	-	-	-	-	-	-	-	SE	-	-	-	P <sup>1</sup>	P <sup>1</sup>	P <sup>1</sup>	-	-	-	P <sup>1</sup>	-	-	P <sup>1</sup>	-	-	8.3.8.A
Parking – Structured Facility (Principal Use)	-	-	-	-	-	-	-	P <sup>1</sup>	P <sup>1</sup>	P <sup>1</sup>	P <sup>1</sup>	-	P <sup>1</sup>	P <sup>1</sup>	P <sup>1</sup>	-	-	-	P <sup>1</sup>	-	-	P <sup>1</sup>	-	-	8.3.8.B

# ARTICLE 9. PARKING & DRIVEWAYS

9.1 GENERAL.....	9-2
9.2 ON-SITE PARKING REQUIREMENTS .....	9-2
9.3 DRIVEWAY DESIGN STANDARDS .....	9-8
9.4 PARKING LOT DESIGN STANDARDS .....	9-10
9.5 PARKING STRUCTURE DESIGN STANDARDS .....	9-15

**TABLE 9-1: MINIMUM ON-SITE PARKING REQUIREMENTS**

PRINCIPAL USE	MIN ON-SITE PARKING REQUIREMENT
<b>RESIDENTIAL USES</b>	
Dwelling, Above Ground Floor	2 spaces / unit (1 space / unit in <del>DT-C</del> , DT-G, DT-L)
Dwelling, Manufactured Housing	2 spaces / unit
Dwelling, Multifamily	2 spaces / unit (1 space / unit in <del>DT-C</del> , DT-G, DT-L)
Dwelling, Single-Family	2 spaces / unit (1 space / unit in DT-L)
Dwelling, Two-Family / Duplex	2 spaces / unit (1 space / unit in DT-L)
<b>COMMERCIAL USES</b>	
Agricultural-Related Educational & Recreational Activity as a Business	4 spaces / 1,000 sf GFA
Animal Care Facility	3 spaces / 1,000 sf GFA
Art Gallery	3 spaces / 1,000 sf GFA
Art or Fitness Studio	4 spaces / 1,000 sf GFA
Banking or Lending Institution	4 spaces / 1,000 sf GFA
Bar	1 space / 5 seats
Bed and Breakfast	1 space / guest room + 2 spaces / dwelling unit
Car Wash	1 space / car wash bay
Clinic	5 spaces / 1,000 sf GFA
<del>Day Care Center</del>	<del>4 spaces / 1,000 sf GFA</del>
Event Venue	5 spaces / 1,000 sf GFA
Funeral Home	5 spaces / 1,000 sf GFA
Greenhouse / Nursery	4 spaces / 1,000 sf GFA
Health Center / Gym	4 spaces / 1,000 sf GFA
Heavy Rental & Service Establishment	3 spaces / 1,000 sf GFA
Hotel/Motel	1 space / guest room
Kennel	2 spaces / 1,000 sf GFA
Micro-Brewery/Micro-Distillery/Micro-Winery	2 spaces / 1,000 sf GFA of production area + 1 space / 4 seats
Motor Vehicle Dealership	4 spaces / 1,000 sf GFA of indoor sales and display area + 4 spaces / service bay
Neighborhood Grocery Store	3 spaces / 1,000 sf GFA
Office	4 spaces / 1,000 sf GFA
Personal Service Establishment	4 spaces / 1,000 sf GFA
Private Club / Lodge	4 spaces / 1,000 sf GFA or 1 space / 4 seats, whichever is greater
Recreation/Entertainment Facility - Indoor	4 spaces / 1,000 sf GFA or 1 space / 4 seats
Recreation/Entertainment Facility - Outdoor	2 spaces / 1,000 sf outdoor use area
Research and Development	4 spaces / 1,000 sf GFA
Restaurant	1 space / 5 seats
Retail Establishment, Heavy	4 spaces / 1,000 sf GFA
Retail Establishment, Light	4 spaces / 1,000 sf GFA
Self Storage Facility - Exterior Access	1 space / <b>10-units 3,000 sf GFA</b> (may be located on paved area in front of unit)
Self Storage Facility - Interior Access	1 space / <b>10-units 3,000 sf GFA</b>
Sexually Oriented Business	4 spaces / 1,000 sf GFA
Specialty Food Service	4 spaces / 1,000 sf GFA

**TABLE 9-1: MINIMUM ON-SITE PARKING REQUIREMENTS**

USE CATEGORY	MIN ON-SITE PARKING REQUIREMENT
Vehicle Fueling Station (with or without retail store)	4 spaces / 1,000 sf GFA (excluding fueling stations)
Vehicle Rental Service	4 spaces / 1,000 sf GFA
Vehicle Repair Facility – Major	6 spaces / 1,000 GFA
Vehicle Repair Facility – Minor	5 spaces / 1,000 GFA
<b>INSTITUTIONAL USES</b>	
Community Center	4 spaces / 1,000 sf GFA
Cultural Facility	4 spaces / 1,000 sf GFA
<b>Day Care Center</b>	<b>4 spaces / 1,000 sf GFA</b>
Hospital	1.5 spaces / 1,000 sf GFA
Place of Worship	1 space / 4 seats in principal assembly room
Senior Center	4 spaces / 1,000 sf GFA
Private School	2 spaces / classroom
<b>CONGREGATE LIVING / SOCIAL SERVICE USES</b>	
Domestic Violence Shelter	4 spaces / 1,000 sf GFA of office space
Drug Treatment Clinic	4 spaces / 1,000 sf GFA
Fraternity/Sorority	1 space / bed
Food Pantry	2 spaces / 1,000 sf GFA
Group Home (Large, Small)	1 space / bed
Group Resource Center	4 spaces / 1,000 sf GFA
Homeless Shelter	4 spaces / 1,000 sf GFA of office space
Lodginghouse	1 space / bed
Residential Care Facility	0.5 spaces / bed
Residential Drug/Alcohol Treatment Facility	0.5 spaces / bed
<b>INDUSTRIAL USES</b>	
Artisanal Production	2 spaces / 1,000 sf GFA
Bulk storage & distribution of goods, excluding or including flammable material	0.5 space / 1,000 sf GFA (excluding office space) + 4 spaces / 1,000 sf GFA of office space
Data Center	0.5 space / 1,000 sf GFA (excluding office space) + 4 spaces / 1,000 sf GFA of office space
Industrial, Heavy	0.5 space / 1,000 sf GFA (excluding office space) + 4 spaces / 1,000 sf GFA of office space
Industrial, Light	0.5 space / 1,000 sf GFA (excluding office space) + 4 spaces / 1,000 sf GFA of office space
Outdoor Storage Yard	No minimum
Solar Energy System (Small, Medium, Large)	1 space / solar energy system
Warehouse & Distribution	0.5 space / 1,000 sf GFA (excluding office space) + 4 spaces / 1,000 sf GFA of office space
Wholesale	0.5 space / 1,000 sf GFA (excluding office space) + 4 spaces / 1,000 sf GFA of office space
<b>OPEN SPACE USES</b>	
Cemetery	0.5 spaces / 1 acre of grave space if no internal road is present
Community Garden	No minimum
Conservation Area	No minimum



**TABLE 9-1: MINIMUM ON-SITE PARKING REQUIREMENTS**

USE CATEGORY	MIN ON-SITE PARKING REQUIREMENT
Farming	No minimum
Golf Course	2 spaces / tee + 4 spaces / 1,000 sf GFA
Gravel Pit	4 spaces / 1,000 sf GFA of office space
<b>INFRASTRUCTURE USES</b>	
Public Utility Facilities	4 spaces / 1,000 sf GFA of office space
Telecommunications Facilities	1 space / standalone facility
<b>TRANSPORTATION USES</b>	
Parking Lot (Principal Use)	No minimum
Parking – Structured Facility (Principal Use)	No minimum

**9.2.2 Use Determination**

**A.** Where the classification of use is not determinable from Table 9-1, the Zoning Administrator shall determine the minimum on-site parking requirements by considering all factors entering into the parking demand for the use, including the most current version of the ITE Parking Generation Manual. Such determination shall be documented in writing and kept on file with the Community Development Department.

**9.2.3 Mixed Uses**

Where multiple primary uses occupy the same structure or lot, the required minimum parking is the sum of the requirements for each use computed separately.

**9.2.4 Accessible Parking**

- A.** The number of required accessible parking spaces shall be calculated based on the minimum number of parking spaces required in Table 9-1 not including any reduction, and shall comply with the requirements of the State Building Code.
- B.** In no circumstance shall the number of required accessible parking spaces be reduced.

**9.2.5 Zoning District Specific Requirements**

**A.** No on-site parking is required for uses in the Downtown Core, Downtown Growth, and Downtown Limited Districts, with the exception of residential uses as stated in Table 9-1.

- 1.** One parking space per dwelling unit shall be the minimum parking required for residential uses in the **Downtown Core**, Downtown Growth and Downtown Limited Districts.
- B.** When parking is provided in zoning districts that do not require on-site parking, all design standards and specific limitations in this Article shall apply.

**9.2.6 Alternate Parking Requirements**

Recognizing that the parking requirements provided in Table 9-1 may not be appropriate for all uses or sites, the number of on-site parking spaces required may be reduced in accordance with Sections 9.2.7, 9.2.8 and 9.2.9.

**9.2.7 Reduction of Required Parking**

- A. Administrative Reduction.** The Zoning Administrator may grant up to a 10% 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.

## 9.3 DRIVEWAY DESIGN STANDARDS

### 9.3.1 Street Access Permit

Prior to installing a new or modifying an existing curb cut or driveway, a street access permit shall be obtained according to the standards and processes outlined in **Article 22-Section 22.5 of this LDC.**

### 9.3.2 Driveway Placement

- A. **For single- and two-family dwellings, there shall be no one more than 1 driveway for each lot, unless an exception has been approved by the City Engineer per Article 22.**
- B. **No more than 2 single-family dwellings can share a common driveway.**
- C. **New driveways shall be placed so as not to conflict with existing driveways.**
- D. **Driveways on opposite sides of the street shall be aligned or offset sufficiently, so as to avoid turning conflicts.**

### 9.3.2 Driveway Dimensions

- A. **Residential Driveways. Dimensional requirements for driveways are included in Section 22.5.4 of this LDC. In addition to these requirements, t**The following standards shall apply to driveways for single- and two-family dwellings.
  - 1. **Driveways shall be a maximum of 20-ft wide at the property line and 30-ft wide at the curbline.**
  - 2. Each vehicle parking space shall be a minimum dimension of 8-ft by 18-ft and shall be located to the rear of either the front setback or front building line.
  - 3. The driveway and associated parking space(s) shall be a minimum of 3-ft from the side property line.
- B. **Commercial Driveways. The following standards shall apply to driveways for non-residential lots, multi-family dwellings, and temporary driveways.**
  - 1. **The driveway shall be a minimum of 12-ft**

**wide and a maximum of 25-ft wide at the property line and 50-ft wide at the curbline, unless additional width or lanes are required as the result of a traffic study and/or geometric analysis prepared by a NH licensed engineer.**

### 9.3.3 Surface Material

The surface of the driveway and associated parking space(s) shall be of either concrete; asphalt installed at a minimum thickness of 3-in on top of 4-in compacted subgrade base; crushed stone (installed at a minimum thickness of 4-in on top of a 4-in compacted subgrade); or, semi-pervious materials (e.g. permeable pavers, pervious asphalt or concrete, etc.) that are able to withstand vehicular traffic or other heavy-impact uses.

### 9.3.4 Grading & Drainage

- A. Driveway and associated parking space(s) shall be graded to prevent drainage across sidewalks, curb cuts, streets or onto adjacent property, except that the portion of a driveway within the public right-of-way may drain towards the street.
- B. Driveways and associated parking space(s) shall not block the flow of drainage in gutters or drainage ditches or pipes.
- C. Driveways and associated parking space(s) shall not have a slope greater than 15%.

### 9.3.5 Long Driveways

Driveways longer than 300-ft shall meet the following standards.

- A. Shall be limited in width to 10-ft, in order to minimize site disruptions.
- B. Every 300-ft there shall be an improved turnout, which is at least 8-ft wide and 15-ft long.
- C. Shall include at its terminus a vehicular turnaround as described for dead-end streets in Article 22.
- D. If the driveway slope is greater than 10%, the first 20-ft from the public road shall be at a slope of 5% or less.

#### 9.4.6 Driveways Crossing Steep Slopes

For driveways located in or crossing prohibitive and precautionary slopes, as defined in Article 12 Hillside Protection Overlay District, the following standards shall apply.

- A. Driveway route shall follow the natural contours of the existing slope to minimize disturbance of vegetation and soils.
- B. Cutting and filling of slopes to construct a driveway shall comply with applicable grading standards of Article 12.
- C. Shared driveways shall be used to avoid entering into or crossing precautionary slope areas and to reduce grading, paving and site disturbance.

#### ~~9.3.7 Removal of Trees or Stone Walls~~

~~When the installation of a driveway requires the cutting of trees or the disturbance of stone walls that are within the public right-of-way, separate permission for such cutting or disturbance shall be obtained in accordance with Chapter 82 of the City Code of Ordinances, NH RSA 472:6, or other applicable laws.~~

#### ~~9.3.8 Temporary Driveways~~

~~Temporary driveways used for earth-disturbing activities or events or forestry activities shall be constructed with a temporary construction exit complying with the requirements of the NH Stormwater Manual Volume 3, as may be amended, and shall be restored to original condition at the conclusion of the activity or event for which they are installed.~~

# ARTICLE 18. NONCONFORMITIES

18.1 GENERAL.....	18-2
18.2 NONCONFORMING USES .....	18-2
18.3 NONCONFORMING STRUCTURES .....	18-3
<del>18.4 NONCONFORMING LOTS .....</del>	<del>18-5</del>

## **18.4 NONCONFORMING LOTS**

### **18.4.1 Description**

**A nonconforming lot is an existing lot of record that at one time conformed to the lot dimension requirements (e.g. lot area, lot width) of the zoning district in which it is located but because of subsequent amendments to the Zoning Regulations is made nonconforming.**

### **18.4.2 Alteration**

**No nonconforming lot may be subdivided in such a way that increases the nonconformity.**

### **18.4.3 Permitted Development**

**Development of a nonconforming lot shall meet all applicable dimensional requirements of the zoning district it is located with the exception of any lot dimensional requirement that renders it nonconforming.**

# ARTICLE 25. APPLICATION PROCEDURES

25.1 REVIEW BODIES & ADMINISTRATORS.....	25-2	25.12 SITE PLAN REVIEW.....	25-37
25.2 COMMON APPLICATION & REVIEW PROCEDURES.....	25-6	25.13 ADMINISTRATIVE PLANNING REVIEW.....	25-48
25.3 ZONING TEXT OR ZONING MAP AMENDMENT.....	25-12	25.14 CONDITIONAL USE PERMITS.....	25-50
25.4 LAND DEVELOPMENT CODE AMENDMENTS.....	25-15	25.15 HISTORIC DISTRICT CERTIFICATE OF APPROPRIATENESS.....	25-52
25.5 ZONING VARIANCE.....	25-17	25.16 STREET ACCESS PERMIT.....	25-58
25.6 ZONING SPECIAL EXCEPTION.....	25-19	25.17 FLOODPLAIN DEVELOPMENT PERMIT.....	25-61
25.7 EXPANSION OR ENLARGEMENT OF A NONCONFORMING USE.....	25-22	25.18 SIGN PERMIT.....	25-64
25.8 EQUITABLE WAIVER OF ZONING DIMENSIONAL REQUIREMENTS.....	25-24	25.19 EARTH EXCAVATION PERMIT.....	25-66
25.9 ZONING ADMINISTRATOR WRITTEN INTERPRETATION.....	25-26		
25.10 SUBDIVISION REVIEW.....	25-27		
25.11 PLANNING BOARD ADVICE & COMMENT.....	25-36		

## 25.1 REVIEW BODIES & ADMINISTRATORS

This Section describes the powers and duties of the review and decision-making authorities pursuant to this LDC.

### 25.1.1 Establishment

The review and decision-making authorities specified in this LDC are established by the City Code of Ordinances, including the City Charter.

### 25.1.2 Powers & Duties

Table 25-1 provides a summary of which authority makes recommendations or decisions on each application type.

### 25.1.3 Designees

Certain officials within this LDC are cited as having powers that may also be administered by a designee. The ability to direct powers to a designee applies to the actions of such officials throughout this LDC.

### 25.1.4 Limit of Authority

The omission of a citation in this LDC to any authority conferred upon the officials and decision-makers under the constitution or laws of the State of NH or the City Code of Ordinances, including the City Charter, shall not be construed as limiting the actions of such officials and decision-makers taken in accordance with and in reliance upon such authority.

### 25.1.5 City Council

In addition to other general authority by state law or the City Code of Ordinances, including the City Charter, the City Council shall have the following powers pursuant to this LDC.

- A.** To initiate, hear, and/or decide on proposed amendments to this LDC, including amendments to the zoning map or text.
- B.** To adopt and periodically update a schedule of fees for applications and permits specified in this LDC.

- C.** To hear and decide on requests for the formal layout and acceptance of public infrastructure.
- D.** To hear and decide on requests for waivers from Article 22 - "Public Infrastructure" of this LDC, except as provided for in Section 22.5.6 related to Street Access Standards.

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

In addition to other general authority by the City Code of Ordinances, the Joint Committee of the Planning Board and Planning, Licenses and Development Committee shall have the authority to make recommendations to the City Council on proposed amendments to this LDC, including amendments to the Zoning Map or text of the Zoning Regulations.

### 25.1.7 Zoning Board of Adjustment

In addition to other general authority by state law or the City Code of Ordinances, the Zoning Board of Adjustment shall have the following powers pursuant to this LDC.

- A.** To hear and decide on applications for variances from the Zoning Regulations; special exceptions from the Zoning Regulations; and, applications to expand or enlarge a nonconforming use applications for an equitable waiver of dimensional requirements from the Zoning Regulations.
- B.** To hear and decide on appeals of an administrative decision of the Zoning Administrator and of decisions of the Historic District Commission in granting or denying certificates of appropriateness.
- C.** To hear and decide on requests for extensions to approvals for variances, special exceptions, or expansions or enlargements of a nonconforming use.

### 25.1.8 Planning Board

In addition to other general authority by state law or the City Code of Ordinances, the Planning Board shall have the following powers pursuant to this LDC.

- A. To make recommendations to the City Council on proposed amendments to this LDC, including amendments to the Zoning Map or text of the Zoning Regulations.
- B. To initiate, hear, and decide on proposed amendments to the Site Development Standards, Subdivision Regulations, and Earth Excavation Regulations of this LDC.
- C. To hear and decide on applications for major site plan review; subdivisions (including boundary line adjustments and conservation residential development subdivisions); conditional use permits; street access permits for commercial, industrial, and multifamily sites; and, earth excavation permit applications.
- D. To hear or decide on voluntary merger applications, or appoint a designee to hear or decide on such applications.
- E. To hear and grant waivers from the Site Development Standards, Subdivision Regulations and Earth Excavation Regulations, and associated application procedures in this LDC.
- F. To hear and decide on appeals of an administrative decision on street access permits, Minor Project Review Committee decision on minor site plans, or administrative planning review decision.
- G. To hear and decide on requests for extensions to major site plan, subdivision, conditional use permit, and earth excavation permit approvals.

### 25.1.9 Minor Project Review Committee

In accordance with NH RSA 674:43(III), the Minor Project Review Committee is hereby designated by the Planning Board to have the following powers pursuant to this LDC.

- A. To hear and decide on minor site plan review applications.
- B. To review and comment on proposed projects for site plan review or subdivision review prior to the formal submission of a site plan or subdivision application.
- C. To hear and decide on requests for extensions to minor site plan approvals.

### 25.1.10 Historic District Commission

In addition to other general authority by state law or the City Code of Ordinances, the Historic District Commission shall have the following powers pursuant to this LDC.

- A. To initiate, hear, and decide on proposed amendments to the Historic District Regulations in this LDC.
- B. To hear and decide on major project applications for a certificate of appropriateness.
- C. To hear and grant waivers from the Historic District Regulations.
- D. To hear and decide on appeals of an administrative decision of the Community Development Director, or their designee, on minor project applications for a certificate of appropriateness.
- E. To hear and decide on requests for extensions to certificates of appropriateness.
- F. **To provide comments and recommendations to the Planning Board on Major Site Plan applications for new buildings or additions to buildings, which are younger than 50 years old, that are located in the Downtown Historic District.**

### 25.1.11 Conservation Commission

In addition to other general authority by state law or the City Code of Ordinances, the Conservation Commission shall have the authority to make recommendations to the Planning Board on surface water protection conditional use permit applications and earth excavation permit applications.



**Table 25-1: Development Applications Decision Authority**

Application Type		Zoning Board of Adjustment	Planning Board	Minor Project Review Committee	City Council	Historic District Commission	Joint Committee	Conservation Commission	Zoning Administrator	Community Development Dir.	City Engineer	Floodplain Administrator
Amendments to the LDC	Articles 1-18 & 22-28				D / PH		PW					
	Articles 19 & 20		D / PH		D							
	Article 21				D	D / PH						
Zoning	Amendments to Zoning Text / Zoning Map				D / PH		PW					
	Variance	D / PH										
	Special Exception	D / PH										
	Equitable Waiver	D / PH										
	Enlarge or Expand Nonconforming Use	D / PH										
	Zoning Administrator Decision								D			
Sub-division Review	Subdivision		D / PH	PS								
	Conservation Residential Development Sub.		D / PH	PS								
	Boundary Line Adjustment		D									
	Voluntary Merger								D			
Site Plan Review	Administrative Planning Review									D		
	Minor Project			D / PH								
	Major Project		D / PH	PS		R*						
Conditional Use Permit (CUP)	Hillside Protection		D / PH	PS							R	
	Surface Water Protection		D / PH	PS				R				
	Telecommunications		D / PH	PS								
	Congregate Living & Social Services		D / PH	PS								
	Solar Energy System		D / PH	PS								
Historic District	Minor Project									D		
	Major Project			PS		D / PH						
Other Permits	Floodplain Development											D
	Sign								D			
	Street Access		D								D	
	Earth Excavation		D / PH					R				

"R" = Recommendation "D" = Final Decision "PW" = Public Workshop "PH" = Public Hearing  
 "PS" = Presubmission Meeting Required

**\*For new buildings and additions in the Downtown Historic District**

### 25.12.8 Procedure

In addition to the common application and review procedures of this Article, the following review and approval procedures shall apply to applications for site plan review.

#### A. Minor Site Plan Procedure

**1. Confirmation of Project Classification.**

Upon receipt of a minor site plan application, the Community Development Director, or their designee, shall verify whether the request qualifies for classification as a minor site plan project in accordance with this LDC.

**2. Staff Determination of Application**

**Completeness.** Within 2 business days following the application submittal deadline, the Community Development Director, or their designee, shall complete an initial review of the application to evaluate whether the submittal requirements have been met.

**3. Minor Project Review Committee Review.**

Once the Community Development Director, or their designee, has made an initial determination that an application is complete, copies of the application and associated materials shall be sent to the Minor Project Review Committee for initial review at least 5 business days prior to the corresponding Minor Project Review Committee meeting date at which the public hearing on the application will be opened.

**4. Site Visits.** At the discretion of the Community Development Director, a formal site visit to the subject property may be scheduled prior to the Minor Project Review Committee public hearing on the application.

**5. Compliance with Zoning.**

**a.** Applications requiring approval from the Zoning Board of Adjustment shall not be noticed for public hearing until such approvals have been obtained.

**b.** Applications shall be in compliance with the Zoning Regulations prior to the issuance of public notice for the public hearing.

**6. Notice of Public Hearing.** The Community Development Director, or their designee, shall forward applications for minor site plan review to the Minor Project Review Committee for a public hearing, and shall provide published and mailed notice of this public hearing pursuant to NH RSA 675:7(l).

**7. Committee Determination of Application Completeness.** The Minor Project Review Committee shall vote to determine whether the application is complete prior to opening the public hearing.

**a.** If the Minor Project Review Committee determines that an application is incomplete, the Committee will either issue a written decision of incompleteness or, with the applicant's consent, table the application until the next meeting of the Committee.

**8. Public Hearing.** Upon reaching a finding that an application is complete, the Minor Project Review Committee may open the public hearing for the application.

**9. Decision.** The Minor Project Review Committee shall finish its review of an application within 60 calendar days of the meeting at which the Committee accepted the application as being complete.

**a.** If the Committee feels that more time is needed, or if the applicant requests additional time, the timeframe provided for review under NH RSA 676:4 can be extended by mutual agreement of the Committee and the applicant, so long as the applicant submits a request for the extension in writing.

**B. Major Site Plan Procedure**

**1. Presubmission Meeting.** Applicants for major site plan review shall attend a pre-submission meeting at least 2-weeks prior to the Planning Board submittal deadline.

**2. Staff Determination of Application Completeness.** Within 2 business days following the application submittal deadline, the Community Development Director, or their designee, shall complete an initial review of the application to evaluate whether the submittal requirements have been met.

**a.** If the missing application materials or information is necessary for proper documentation, but are not central to the initial departmental review, the applicant will be permitted to provide the required materials or information by the revision deadline of 14 calendar days prior to the corresponding regularly scheduled Planning Board meeting date.

**3. Departmental Review.** Once the Community Development Director, or their designee, has made an initial determination that an application is complete, copies of the application and associated materials shall be sent to the City's Engineering Division, Fire Department, Police Department, Zoning Administrator, and Building and Health Official for technical review.

**a.** City staff will be requested to return comments on the application to the Community Development Department within 5 business days of the distribution date.

**b.** The Community Development Director, or their designee, shall communicate departmental comments to the applicant, as soon as they are all received.

**4. Revision Deadline.** Any plan revisions or additional information requested of the applicant by City staff following

departmental review of the application shall be delivered to the Community Development Department no later than the revision deadline of 14 calendar days prior to the corresponding regularly scheduled Planning Board meeting date. The revision deadline shall not be waivable.

**5. Site Visits.** At the discretion of the Community Development Director or Planning Board Chair, a formal Planning Board site visit to the subject property may be scheduled prior to the Planning Board public hearing on the application.

**6. Compliance with Zoning.**

**a.** Applications requiring approval from the Zoning Board of Adjustment shall not be noticed for public hearing until such approvals have been obtained.

**b.** Applications shall be in compliance with the Zoning Regulations prior to the issuance of public notice for the public hearing.

**7. Historic District Commission Review.** Applications proposing to build new buildings or additions to buildings, which are younger than 50 years old, that are located in the Downtown Historic District shall be referred to the Historic District Commission for comments and a recommendation to the Planning Board before the public hearing on the application is closed.

**8. Notice of Public Hearing.** The Community Development Director, or their designee, shall forward applications for major site plan review to the Planning Board for a public hearing, and shall provide published and mailed notice of this public hearing pursuant to NH RSA 675:7(l).

**9. Board Determination of Application Completeness.** The Planning Board shall vote to determine whether the application is complete prior to opening the public hearing.

**a.** The Planning Board shall consider

# ARTICLE 28. DEFINED TERMS

**Abandoned/Nonapplicable Sign** - Any sign which advertises or publicizes an activity or business no longer conducted on the premises upon which such sign is maintained or which has been abandoned under circumstances indicative of an intention to abandon the use and any vested right.

**Abutter** - Any person whose property is located in New Hampshire and adjoins or is directly across the street or stream from the land under consideration by the local land use board. For purposes of receiving testimony only, and not for purposes of notification, the term "abutter" shall include any person who is able to demonstrate that their land will be directly affected by the proposal under consideration. For purposes of receipt of notification by a municipality of a local land use board hearing, in the case of an abutting property being under a condominium or other collective form of ownership, the term abutter means the officers of the collective or association, as defined in NH RSA 356-B:3,XXIII. For purposes of receipt of notification by a municipality of a local land use board hearing, in the case of an abutting property being under a manufactured housing park form of ownership as defined in NH RSA 205-A:1, II, the term "abutter" includes the manufactured housing park owner and the tenants who own manufactured housing which adjoins or is directly across the street or stream from the land under consideration by the local land use board.

**Accessory Structure** - A structure that is subordinate and customarily incidental to a principal structure that is located on the same lot.

**Accessory Use** - Any use subordinate in both purpose and size to, and is incidental to and customarily associated with, any principal use that is located on the same lot.

**Activation** - The articulation of a façade to contribute to a pedestrian-friendly public realm.

**Addition (to an existing structure)** - Any construction that increases the size of a structure in terms of site coverage, height, or gross floor area.

**Agricultural-Related Educational and Recreational Activity as a Business** - A commercial activity that is appropriate to a farm or rural setting and/or relates to agricultural uses or customs. Activities may include programs, functions, and other demonstrations that are either recreational or educational in nature (e.g. sleigh rides, hay rides, petting farms) and other demonstrations of rural, agricultural and natural resource activities and customs.

**Alley** - A narrow passageway located between or behind buildings providing access to service areas, waste storage, parking, ancillary structures, and usually containing utility easements.

**Alteration (as applied to a structure)** - 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 may include flood proofing or other modifications.

**Animal Care Facility** - An establishment that provides care for domestic animals, including veterinary offices for the treatment of animals where such animals may be boarded indoors during their convalescence and pet grooming facilities. An animal care facility does not include kennels or animal training centers.

**Animated Sign** - A sign displaying motion, the patterned illusion of motion, action or flashing, or other light and color changes which is activated by environmental, mechanical, electrical, or other non-natural means. This term includes wind-activated elements such as flags, pennants, or banner signs. This term does not include changeable copy signs.

**Architectural Feature** - Accessory and decorative elements of the exterior of a building or structure, if altered or removed would affect the character of the external appearance of the building or structure but are not necessary to make the structure habitable. Examples include but are not limited to: cornices, eaves, brackets and other roofline embellishments; lintels, sills, keystones, arches and other door and window embellishments; minor wall projections, etc.

**Architectural Projection** - Any structure that is not intended for occupancy, which extends beyond the face of an exterior wall of a building.

**Architectural Trim** - Exterior elements on a building or structure, including but not limited to cornices, brackets, window lintels and sills, oriels or bay windows, balconies, grilles, grates, lamp brackets, scrapers and handrails.

**Art Gallery** - An establishment that sells, loans, or displays works of art (e.g. paintings, sculpture, photographs, video art, etc.). Art gallery does not include a cultural facility.

**Art or Fitness Studio** - An establishment where an art or activity is taught, studied, or practiced in a classroom or studio setting (e.g. dance, martial arts, photography, pottery, music, painting, gymnastics, pilates, yoga, etc.).

**Arterial Roadway or Arterial Street** - A road whose primary purpose is rapid travel and high volume with limited accessibility to neighboring roads. In the City of Keene, arterial roadways include NH Routes 9, 10, 12 and 101.

**Artisanal Production** - The on-site production of hand-fabricated or hand-manufactured artisanal, custom or craft goods (e.g. small-scale metalworking, glassblowing, and furniture making, etc.). Showrooms and the ancillary sales of goods produced on-site are permitted. Artisanal production does not include micro-breweries, micro-distilleries, and micro-wineries.

**Attic** - The space between the ceiling beams of the top story and the roof rafters.

**Average Tree Crown Height** - An average height found by inventorying the crown height at above-ground level of all trees over 20-ft in height for a defined area.

**Awning** - An architectural projection that is partially or wholly supported by the building to which it is attached, and is comprised of a lightweight frame structure over which a covering is attached. This covering may consist of vinyl, canvas or similar material.

**Awning Sign (also known as Canopy Sign)** - A sign painted or attached to a roof-like covering affixed to a building and extending over a walkway or sidewalk. This covering may consist of vinyl, canvas, or similar material. This sign type may also be attached to a freestanding multi-sided structure supported by columns.

**Background Area of Sign** - The area of a sign excluding the sign face or any copy.

**Balloon Sign** - Any sign displayed on, or suspended from, a balloon that is greater than 24-in in diameter.

**Bank of a Stream** - The transitional slope beginning at the edge of a surface water body, the upper limit of which is defined by a break in slope as defined in Wt. 101.06, N.H. Code of Administrative Rules, as may be amended or updated.

**Banking or Lending Institution** - An establishment that is engaged in the business of a bank, savings and loan association, or credit union that is regulated by state or federal authority.

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

**Banner** - A sign composed of cloth, canvas, fabric, or other lightweight material, not permanently enclosed in a rigid frame or attached to a substrate, and which is capable of displaying motion caused by movement of the atmosphere. See also Flag.

**Mean Sea Level** - The National Geodetic Vertical Datum (NGVD) of 1929 or other datum to which base flood elevations shown on the City's Flood Insurance Rate map are referenced.

**Memorial Sign / Plaque** - Memorial signs or tablets denoting the names of buildings and the date of erection when cut into any masonry surface or when constructed of bronze or other incombustible materials mounted on the face of a building.

**Micro-Brewery** - A facility for the production and packaging of malt beverages of alcoholic content for retail sales on-site. It may also include a tasting room where guests may sample the facility's products.

**Micro-Distillery** - A facility for the production and packaging of alcoholic spirits for retail sales on-site. It may also include a tasting room where guests may sample the facility's products.

**Micro-Winery** - A facility for the production and packaging of any alcoholic beverages obtained by the fermentation of fruits or vegetables containing sugar, including such beverages when fortified by the addition of alcohol or spirits for retail sales on-site. It may also include a tasting room where guests may sample the facility's products.

**Mixed-Use** - A combination of different permitted uses located on a lot or within a building.

**Monopole** - For the purposes of Article 13 - "Telecommunications Overlay District," monopole is a thicker type of mount than a mast that is self-supporting with a single shaft of wood, steel or concrete, or other material, that is designed for the placement of antennas and arrays along the shaft.

**Motor Vehicle Dealership** - An establishment that sells or leases new or used automobiles, vans, trucks, motorcycles, recreational vehicles or other similar motorized transportation vehicles, with outdoor storage and/or display of such vehicles on-site. Motor vehicle dealerships do not include sales of commercial vehicles or heavy equipment, which are considered heavy retail establishments.

**Mount** - The structure or surface upon which telecommunications antennas are mounted, including the following four types of mounts: (1)

Roof-mounted - Mounted on the roof of a building. (2) Side-mounted - Mounted on the side of a building. (3) Ground-mounted - Mounted on the ground. (4) Structure-mounted - Mounted on a structure other than a building.

**Muntin** - A thin bar, usually wood, used to hold panes of glass in place.

**Natural Person** - A human being as distinguished from a person (as a corporation) created by operation of law.

**Neighborhood Grocery Store** - An establishment primarily engaged in the provision of frequently or recurrently needed food or items for household consumption (e.g. prepared food, beverages, limited household supplies, etc.) in a space that is less than or equal to 3,500-sf in gross floor area.

**Nonconforming Lot** - An existing lot of record that at one time conformed to the lot dimension requirements (e.g. lot area, lot width) of the zoning district in which it is located but because of subsequent amendments to the Zoning Regulations is made nonconforming.

**Nonconforming structure** - Any structure existing at the time of the enactment of the LDC or any amendments thereto, which does not conform in whole or in part to this LDC or its amendments.

**Nonconforming Use** - The use of any building, structure or land existing at the time of the enactment of the LDC, or any amendments thereto, which does not conform in whole or in part to this LDC or its amendments.

**Noncontributing Resource** - A building, structure or site within the Historic District that is either less than fifty (50) years old and thus was not constructed within the Period of Significance; or is fifty (50) or more years old and has lost its architectural, historical or cultural integrity due to major alterations or other changes and thus has lost the ability to contribute to the character of the historic district. A Non-Contributing resource may become a Primary or Contributing resource when it becomes 50 years old. It may also become a Primary or Contributing resource if its integrity is restored.