

MEMORANDUM

To: Joint Committee of the Planning Board and PLD Committee

From: Jesse Rounds, Community Development Director

Date: March 1, 2024

Subject: O-2024-01 Relating to the Cottage Court Overlay District

Overview

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

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

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

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

Consistency with the 2010 Comprehensive Master Plan

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

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

Although the 2010 Comprehensive Master Plan does not contemplate a high need for new housing, it does explicitly state that residential infill development is a desirable and creative housing solution that *“if done well, can contribute greatly to keeping the small-town feel of Keene, while providing more housing choice and allowing people to live, work and play in the same community.”*

The Housing Chapter of the Master Plan includes a goal to “Provide a Balanced and Diverse Housing Stock.” Under this goal, the plan states *“Since most of the community’s available residentially zoned land has been developed, housing needs have to be addressed through infill development and the rehabilitation and redevelopment of existing stock.”*

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

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

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

Housing Needs Assessment Background

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

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

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

Discussion

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

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

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

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

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

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

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

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

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

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

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



APPLICATION TO AMEND THE ZONING ORDINANCE

Petitioner: Community Development Date: 2/12/2024

Address: 3 Washington Street Keene, NH

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

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

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

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

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

Validation of Number of parcels by the Community Development Department

Petitioner's Signature

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

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

Date Received by City Clerk: Ordinance Number:

On City Council agenda: Workshop to be held:

Public Hearing to be held



APPLICATION TO AMEND THE ZONING ORDINANCE

APPLICABLE FEES:

Application Fee @ \$100.00 \$ _____

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

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

Total Fees submitted to City Clerk \$ _____

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



CITY OF KEENE

In the Year of Our Lord Two Thousand and Twenty Four

AN ORDINANCE Relating to the Cottage Court Overlay District

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

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

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

17.1 PURPOSE

The purpose of the cottage court overlay district is to:

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

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

17.2 APPLICABILITY

17.2.1 Generally

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

17.2.2 Authority

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

17.3 DISTRICT DEFINED

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

17.4. PERMITTED USES

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

Table 17-1: Cottage Court Development Permitted Uses

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

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

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

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

B. Use Standards:

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

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

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

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

C. Uses Accessory to Residential Use

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

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

17.5 CONDITIONAL USE PERMIT

17.5.1 Development Types Allowed

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

17.5.2 Dimensional Standards

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

Table 17-2. Dimensional Requirements for Cottage Court Developments

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

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

17.5.3 Conditional Use Permit Standards

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

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

17.5.4 Architectural Guidelines

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

EASIER TO APPROVE

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

MORE DIFFICULT TO APPROVE

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

17.5.5 Conditional Use Permit Application Procedure

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

A. Concurrent Review.

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

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

B. Submission Requirements

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

1. A written narrative describing the following:

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

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

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

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

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

Jay Kahn, Mayor

ARTICLE 17. COTTAGE COURT OVERLAY DISTRICT CONDITIONAL USE PERMIT

17.1 PURPOSE 17-2

17.2 APPLICABILITY..... 17-2

17.3 DISTRICT DEFINED 17-2

17.4 PERMITTED USES 17-3

17.5 CONDITIONAL USE PERMIT 17-4

17.1 PURPOSE

The purpose of the cottage court overlay district is to:

1. Promote infill development and redevelopment within established neighborhoods that is built at a scale and character consistent with existing development patterns.
2. Encourage efficient use of land and cost-effective delivery of community services.
3. Expand the range of housing choices available to meet the needs of the city's changing demographic trends, including smaller households, young professionals, older adults, and empty nesters.
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17.2 APPLICABILITY

17.2.1 Generally

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17.2.2 Authority

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17.3 DISTRICT DEFINED

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

17.4 PERMITTED USES

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

Table 17-1: Cottage Court Development Permitted Uses

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

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

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

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

B. Use Standards:

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

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

C. Uses Accessory to Residential Use

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

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

17.5.2 Dimensional Standards

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

17.5 CONDITIONAL USE PERMIT

17.5.1 Development Types Allowed

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

Table 17-2: Dimensional Requirements for Cottage Court Developments

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

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

C. Height.

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

17.5.3 Conditional Use Permit Standards

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

B. Parking.

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

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

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

17.5.4 Architectural Guidelines

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

EASIER TO APPROVE

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

MORE DIFFICULT TO APPROVE

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

17.5.5 Conditional Use Permit Application Procedure

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

A. Concurrent Review

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

B. Submission Requirements

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

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

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

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

ARTICLE 3. RESIDENTIAL ZONING DISTRICTS

- 3.1 RURAL (R)3-2
- 3.2 RESIDENTIAL PRESERVATION (RP).....3-3
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3.1 RURAL (R)

3.1.1 Purpose

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

3.1.2 Dimensions & Siting

| | |
|---------------------------------------|---------|
| Min Lot Area | 2 acres |
| Min Lot Width at Building Line | 200 ft |
| Min Road Frontage | 50 ft |
| Min Front Setback | 50 ft |
| Min Rear Setback | 50 ft |
| Min Side Setback | 50 ft |

3.1.3 Buildout

| | |
|--------------------------------|-----|
| Max Building Coverage | 10% |
| Max Impervious Coverage | 20% |

3.1.4 Height

| | |
|--------------------------------|-------|
| Max Stories Above Grade | 2 |
| Max Building Height | 35 ft |

3.1.5 Permitted Uses

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

P = Permitted
P¹ = Permitted with limitations per Article 8.
SE = Permitted by Special Exception
CUP = Permitted by Conditional Use Permit
CRD = Permitted by Conservation Residential Development

3.2 RESIDENTIAL PRESERVATION (RP)

3.2.1 Purpose

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

3.2.2 Dimensions & Siting

| | |
|---------------------------------------|----------|
| Min Lot Area | 8,000 sf |
| Min Lot Width at Building Line | 60 ft |
| Min Road Frontage | 50 ft |
| Min Front Setback | 15 ft |
| Min Rear Setback | 20 ft |
| Min Side Setback | 10 ft |

3.2.3 Buildout

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

3.2.4 Height

| | |
|--------------------------------|-------|
| Max Stories Above Grade | 2 |
| Max Building Height | 35 ft |

3.2.5 Permitted Uses

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

P = Permitted
P¹ = Permitted with limitations per Article 8.
SE = Permitted by Special Exception
CUP = Permitted by Conditional Use Permit

3.3 LOW DENSITY (LD)

3.3.1 Purpose

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

3.3.2 Dimensions & Siting

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

3.3.3 Buildout

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

3.3.4 Height

| | |
|-------------------------|-------|
| Max Stories Above Grade | 2 |
| Max Building Height | 35 ft |

3.3.5 Permitted Uses

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

P = Permitted
P¹ = Permitted with limitations per Article 8.
CUP = Permitted by Conditional Use Permit
CRD = Permitted by Conservation Residential Development

3.4 LOW DENSITY 1 (LD-1)

3.4.1 Purpose

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

3.4.2 Dimensions & Siting

Lots Without City Water Service

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

Lots With City Water Service

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

3.4.3 Buildout

| | |
|-------------------------|-----|
| Max Building Coverage | 30% |
| Max Impervious Coverage | 35% |
| Min Green / Open Space | 65% |

3.4.4 Height

| | |
|-------------------------|-------|
| Max Stories Above Grade | 2 |
| Max Building Height | 35 ft |

3.4.5 Permitted Uses

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

P = Permitted
P¹ = Permitted with limitations per Article 8.
CUP = Permitted by Conditional Use Permit
CRD = Permitted by Conservation Residential Development

3.5 MEDIUM DENSITY (MD)

3.5.1 Purpose

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

3.5.2 Dimensions & Siting

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

3.5.3 Buildout

| | |
|--------------------------------|-----|
| Max Building Coverage | 45% |
| Max Impervious Coverage | 60% |
| Min Green / Open Space | 40% |

3.5.4 Height

| | |
|--------------------------------|-------|
| Max Stories Above Grade | 2 |
| Max Building Height | 35 ft |

3.5.5 Permitted Uses

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

P = Permitted
P¹ = Permitted with limitations per Article 8.
CUP = Permitted by Conditional Use Permit

3.6 HIGH DENSITY (HD)

3.6.1 Purpose

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

3.6.2 Dimensions & Siting

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

3.6.3 Buildout

| | |
|--------------------------------|-----|
| Max Building Coverage | 55% |
| Max Impervious Coverage | 75% |
| Min Green / Open Space | 25% |

3.6.4 Height

| | |
|--------------------------------|-------|
| Max Stories Above Grade | 2 |
| Max Building Height | 35 ft |

3.6.5 Permitted Uses

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

P = Permitted
P¹ = Permitted with limitations per Article 8.
SE = Permitted by Special Exception
CUP = Permitted by Conditional Use Permit

3.7 HIGH DENSITY 1 (HD-1)

3.7.1 Purpose

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

3.7.2 Dimensions & Siting

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

3.7.3 Buildout

| | |
|--------------------------------|-----|
| Max Building Coverage | 55% |
| Max Impervious Coverage | 75% |
| Min Green / Open Space | 25% |

3.7.4 Height

| | |
|--------------------------------|-------|
| Max Stories Above Grade | 3 |
| Max Building Height | 50 ft |

3.7.5 Permitted Uses

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

P = Permitted

P¹ = Permitted with limitations per Article 8.

SE = Permitted by Special Exception

CUP = Permitted by Conditional Use Permit

2.1 TITLE

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

2.2 AUTHORITY

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

2.3 ESTABLISHMENT OF DISTRICTS

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

2.4 ZONING MAP

2.4.1 Official Zoning Map

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

Table 2-1: City of Keene Zoning Districts

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

TABLE 8-1: PERMITTED PRINCIPAL USES BY ZONING DISTRICT

P = Permitted P¹ = Permitted with limitations per Article 8 SE = Permitted by Special Exception CUP = Permitted by Conditional Use Permit CRD = Permitted by Conservation Residential Development - = Not Permitted

**Use Definition
& Standards
Section #**

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

TABLE 8-1: PERMITTED PRINCIPAL USES BY ZONING DISTRICT

P = Permitted P¹ = Permitted with limitations per Article 8 SE = Permitted by Special Exception CUP = Permitted by Conditional Use Permit CRD = Permitted by Conservation Residential Development - = Not Permitted

**Use Definition
& Standards
Section #**

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