

MEMORANDUM

To: Joint Committee of the Planning Board and PLD Committee

From: Jesse Rounds, Community Development Director

Date: March 1, 2024

Subject: O-2023-16 – Relating to Permitted Uses in the Downtown Core, Downtown Growth, and Commerce Districts

Overview

This ordinance establishes a use definition for “Charitable Gaming Facility” in Article 8 of the Land Development Code (LDC) and proposes to permit this use in the Downtown Growth and Commerce Districts by right. Currently, “Charitable Gaming Facility” is undefined and, in the past, has been interpreted to fall under the definition of “Recreation / Entertainment Facilities – Indoor,” which is permitted in several districts including Downtown Core, Downtown Growth, Downtown Institutional, Commerce, Commerce Limited, and Business Growth and Reuse. Several of these districts may not be compatible with a Charitable Gaming Facility use and its related site and traffic impacts.

This ordinance also proposes to remove drive-through uses as a permitted accessory use by Special Exception in the Downtown Core District. The Downtown Core is fully contained within the Downtown Historic District. Drive-through uses are generally incompatible with the historic development pattern and pedestrian-oriented nature of the historic downtown and would be better suited in automobile-oriented areas of the City. Drive-through uses would continue to be permitted by right in the Commerce and Commerce Limited Districts, and by Special Exception from the Zoning Board of Adjustment in the Downtown Growth District.

Charitable Gaming Facility – Overview and Proposed Definition

This ordinance proposes to establish the following use definition for “Charitable Gaming Facility” in Section 8.3.2 of Article 8, under the category of Commercial Uses:

“Charitable Gaming Facility – A facility licensed in accordance with the requirements of RSA 287-D and operated by a Licensed Game Operator as defined by RSA 287-D:1, VII; or any facility operated by a person or entity licensed by the lottery commission under RSA 287-D:7 to operate games of chance on 5 or more dates per calendar year. Does not include games licensed under RSA 287-E.”

Charitable Gaming Facilities are not defined in the Land Development Code. In order to permit this use within the City, the Zoning Administrator has determined that the closest definition in our current code is “Recreation / Entertainment Facilities – Indoor.” Charitable Gaming Facilities are a defined and licensed use at the state level and appear to differ from the other activities that

fall under “Recreation / Entertainment Facilities – Indoor.” In addition, this use has grown in popularity across the state. A number of cities and towns that do not have a separate definition for this use have seen this use proliferate in areas of their community that may or may not be appropriate. Some communities, such as the City of Nashua, do separate out the use and as a result are better able to target this type of development in areas of the city that the community has determined are appropriate.

Charitable Gaming Facility – Proposed Districts

Staff propose to allow “Charitable Gaming Facility” by right in the Downtown Growth (DT-G) District and the Commerce (COM) District. These districts are located in areas with larger lots, more infill development potential, and access to parking that might be attractive to Charitable Gaming Facilities. These are the two districts where charitable gaming facilities either exist now or have been located in the recent past. The intent statements for these districts are included below:

- **Downtown Growth:** The DT-G District accommodates the reuse of existing structures within downtown Keene as well as new construction of significant size. It is intended to provide the flexibility needed to create a mixed-use environment suitable for commercial, residential, civic, cultural, and open space uses in areas of downtown where growth is desired, with standards for new construction and infill that complement the walkable, urban form of Keene's downtown.
- **Commerce:** 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.

The Downtown Growth District includes the areas of the downtown that have the most available land for new development and redevelopment to occur. This district is located along the old railroad land and allows for high intensity uses and lots with higher massing and scale than any other district in the city except the Downtown Core. For example, the maximum height is 7 stories/85 feet, and allowed commercial uses include (but are not limited to) bars, event venues, funeral homes, restaurants, Recreation / Entertainment Facilities – Indoor and Outdoor, and light retail establishments. While this district generally does not require on-site parking, many of the properties in this district are larger in size and have sufficient room to accommodate on-site parking if needed. However, public parking (on street and surface lots) is available throughout most of this district, and the intent is for this district, as it develops, to continue the pedestrian-oriented look and feel of the Downtown Core.

The Commerce District is located in automobile-oriented areas of the city where all parking must be accommodated on site. A wide array of commercial uses are allowed in this district, including (but not limited to) bars, event venues, funeral homes, hotels and motels, restaurants, Recreation / Entertainment Facilities – Indoor and Outdoor, and retail establishments (heavy and light).

Both districts seem appropriate for Charitable Gaming Facilities, which are similar to other uses already allowed in these districts in terms of scale, intensity and potential site impacts such as noise, traffic generation and parking. These areas of the city are already developed or have been identified as areas where new development of high intensity and scale should occur.

In contrast, several of the districts where “Recreation / Entertainment Facility – Indoor” is allowed by right may not be compatible with Charitable Gaming Facility uses. Zoning districts like Downtown Core and Downtown Institutional are specifically defined to represent areas of the city with a unique character (such as the historic and pedestrian-oriented Downtown Core) or uses (i.e., the Keene State College campus). Zoning Districts like Commerce Limited and Business Growth & Reuse are focused on fostering appropriate commercial and light industrial uses that would not be out of place adjacent to residential neighborhoods.

For example, the intent statement for Business Growth and Reuse District states that it is intended for development that is *“of a scale and type compatible with adjacent residential neighborhoods.”* To that end, many of the uses allowed within this district are only allowed with limitations to restrict the size and intensity of the use. For example, Bed and Breakfast, Office, Cultural Facility, Private School, Industrial – Light, Warehouse & Distribution, and Wholesale are all uses that are permitted with limitations where the limitations are related to the size of the use and/or increased setbacks from residential areas. Therefore, staff recommend that a Charitable Gaming Facility, which has the potential to generate noise and traffic during hours that may not be compatible with adjacent single-family neighborhoods, should not be allowed in this district or should only be allowed with limitations to restrict the size and potential impacts on surrounding neighborhoods.

Drive-through Uses

This ordinance also proposes to remove the option to seek a Special Exception from the Zoning Board of Adjustment to allow drive-throughs as an accessory use in the Downtown Core District. The Downtown Core is the heart of downtown Keene and is co-located with the Downtown Keene Historic District. The district is intended to accommodate a rich mix of commercial, residential, civic, cultural, and open space uses in a highly walkable, vertically and horizontally mixed-use environment. The building and streetscape form in Keene emphasizes street level development that encourages walking. Drive-through uses drawing cars downtown for short and intermittent visits do not support either the walkable scale or the variety of mixed-uses that depend on residents and visitors coming to the downtown for extended periods of time.

The Downtown Chapter of the Master Plan states that new buildings in the downtown should be positioned to support a human scale and notes that “Moving building frontage up to the sidewalk in redevelopment areas of the downtown creates a “street wall” that encloses and focuses street and sidewalk activity.” Drive-through uses are in direct conflict with this goal because they, by definition, are oriented and designed for automobiles at the expense of pedestrian comfort and safety.

Master Plan Consistency

The Master Plan has an entire chapter devoted to the downtown, and states that *"It is a central gathering place and the most visible representation of the community to visitors."* The Comprehensive Master Plan specifically recognizes the importance of the design and the scale of downtown, especially for infill development, stating that appropriate infill development in the downtown:

- Is similar to Keene's traditional downtown streetscape layout and massing of buildings on upper Main Street
- Incorporates wide sidewalks
- Includes streetscape amenities such as street trees, benches, rain gardens, traffic calming bump-outs, pocket parks, etc.
- Supports a high level of pedestrian and bicyclist connectivity through effective use of bike lanes and pathways
- Allows for a mix of uses that includes retail, commercial, institutional, and residential components
- Increases density within the downtown core, fostering downtown vibrancy and supporting community goals to reduce greenhouse gas emissions, create a walkable and bikeable community, encourage growth within the 9/10/12 Bypass, and protect valuable open space resources (such as Keene's hillsides for their visual aesthetic and flood mitigation characteristics)

The Master Plan also states that downtown development should be consistent with the goals of downtown vibrancy and artistic, cultural, education, institutional, and entertainment uses. These goals conflict with the level of service necessary for a Charitable Gaming Facility which will compete for public parking with other uses at similar times of the day. In addition, they conflict with Drive-Through uses that by necessity are automobile-oriented.



APPLICATION TO AMEND THE ZONING ORDINANCE

Petitioner: Community Development Department Date: October 16, 2023

Address: 3 Washington Street, Keene

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

Table 4-1 of Article 4; Table 6.1.5 of Article 5; Table 8-1, Section 8.

Existing Section Reference in Chapter 100, Land Development Code: _____

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

Does the amendment affect "Permitted Uses"? Yes No

Number of parcels in Zoning District*: _____ ^{DT-C, DT-G, and COMM} 168

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: 0-2023-16

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-Three

AN ORDINANCE Relating to Amendments to the Land Development Code, Permitted Uses in the
Downtown Core, Downtown Growth and Commerce Districts

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

That Chapter 100 of the Code of Ordinances of the City of Keene, New Hampshire, as amended, is hereby further amended by deleting the stricken text and adding the bolded and underlined text, as follows.

1. Amend Section 8.3.2. of Article 8 to add a definition for “Charitable Gaming Facility” under the category of Commercial Uses, as follows:

I. Charitable Gaming Facility

1. **Defined. Charitable Gaming Facility – A facility licensed in accordance with the requirements of RSA 287-D, and operated by a Licensed Game Operator as defined by RSA 287-D:1, VII; or any facility operated by a person or entity licensed by the lottery commission under RSA 287-D:7 to operate games of chance on 5 or more dates per calendar year. Does not include games licensed under RSA 287-E.**
2. Amend Section 8.4.2.C.2.a, “Specific Use Standards” of Article 8 to remove drive-through uses as a permitted use by Special Exception in the Downtown Core District, as follows:
 - a. Drive-through uses shall only be permitted by right in the Commerce and Commerce Limited Districts and by special exception from the Zoning Board of Adjustment in the Downtown-Growth and ~~Downtown-Core~~ Districts.
3. Update Table 8-1 “Permitted Principal Uses By Zoning District” in Article 8, Table 4-1 “Downtown Districts Permitted Uses” in Article 4, and Table 5.1.5 “Permitted Uses” in Article 5 to display “Charitable Gaming Facility” as a permitted use in the Downtown Growth District and Commerce District under the category of Commercial Uses.

George S. Hansel, Mayor

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. Charitable Gaming Facility

1. **A facility operated by a Licensed Game Operator as defined in RSA 287-D:1.VII or any facility operated by a business licensed by the lottery commission to operate games of chance for 5 or more dates per calendar year. Does not include games of chance contained in RSA 287-E.**

J. 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.

K. 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.

L. 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.

M. 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.

N. 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.).

O. 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.

P. O- Hotel/Motel

1. **Defined.** A commercial facility that provides rooms for sleeping and customary lodging

B. Day Care, Home-Based

1. **Defined.** A residential dwelling where, for a portion of a 24-hour day, licensed care and supervision is provided in a protective setting by a permanent occupant of the dwelling for children or elderly and/or functionally-impaired adults that are not related to the owner or operator of the facility.
2. **Use Standard.** This use shall provide full-time care to no more than 6 natural persons and part-time care to no more than 9 natural persons each day of operation.

C. Drive-Through Uses

1. **Defined.** An establishment designed for the general public to make use from their vehicles of the sales or services provided on the premises.
2. **Use Standards**
 - a. Drive-through uses shall only be permitted by right in the Commerce and Commerce Limited Districts, and by special exception from the Zoning Board of Adjustment in the Downtown-Growth **and Downtown-Core** Districts.
 - a. Drive-through uses shall be subject to the screening standards for drive-through businesses in Section 20.6 of this LDC.

D. Home Occupation

1. **Defined.** A use conducted by the inhabitants of a dwelling unit that is clearly incidental and secondary to the use of the premises for dwelling purposes and does not change the residential character thereof.
2. **Use Standards**
 - a. The use may not exceed 10% of the total gross floor area of the principal dwelling unit or 300-sf, whichever is less, and may be located in either the principal dwelling unit or an accessory building on the same lot.

- b. There shall be no more than 1 employee who is not a resident of the principal dwelling unit.
- c. All activity associated with producing, storing, or selling the goods or services of the home occupation shall be performed inside the principal dwelling unit or an accessory building on the same lot.
- d. The use shall not be identified by any externally visible sign, on-premises advertising of any kind, or any off-premises advertising that identifies the location of the property.
- e. The use shall not result in alteration of the residential appearance of the dwelling unit or the lot on which it is located.
- f. The use shall not generate vehicular or pedestrian traffic of a quantity or quality as to be injurious, offensive, or otherwise detrimental to the neighborhood. Vehicular traffic of more than 10-vehicles per day shall be considered prima facie evidence of traffic that is detrimental to the neighborhood.
- g. Retail sales as a primary home occupation that attracts customers to the lot to purchase articles and/or goods is not permitted. Retail sales that are accessory to a home occupation, such as, but not limited to, a beauty salon selling hair care products, is permitted.
- h. Retail sales where the customers do not visit the residence is permitted, such as sales over the Internet and the goods are shipped either from the residence or another location.

E. Mobile Food Vendors

1. **Defined.** A self-contained food service operation located in a licensed, readily movable motorized/wheeled/towed vehicle,

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	-	-	-	-	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	CRD	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	-	CRD	CRD	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
Charitable Gaming Facility	-	-	-	-	-	-	-	-	P	-	-	-	-	P	-	-	-	-	-	-	-	-	-	-	8.3.2.I
Clinic	-	-	-	-	-	-	-	P	P	P	P	-	P	P	P	-	-	-	-	-	-	P	-	-	8.3.2.IJ
Event Venue	-	-	-	-	-	-	-	-	P	-	-	-	P	P	-	-	-	-	-	-	-	-	SE	-	8.3.2.JK
Funeral Home	-	-	-	-	-	-	-	-	P	P	P	P	-	P	P	-	P	P	-	-	-	-	-	-	8.3.2.KL
Greenhouse / Nursery	P	-	-	-	-	-	-	-	-	-	-	-	-	P	P	P	-	-	-	P	-	-	P	-	8.3.2.LM
Health Center / Gym	-	-	-	-	-	-	-	P	P	P	P	-	P	P	P	P	-	-	-	P	-	P	-	-	8.3.2.MN
Heavy Rental & Service Establishment	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P	-	-	-	-	P	-	-	-	-	8.3.2.NO
Hotel/Motel	-	-	-	-	-	-	-	P	P	-	-	-	P	P	-	-	-	-	-	-	-	-	-	-	8.3.2.OP
Kennel	P	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P	-	8.3.2.PQ
Micro-Brewery/Micro-Distillery/Micro-Winery	-	-	-	-	-	-	-	P	P	-	-	-	-	P	P	-	-	-	-	-	-	-	-	-	8.3.2.R-T
Motor Vehicle Dealership	-	-	-	-	-	-	-	-	-	P	-	-	-	P	P	-	-	-	-	-	-	-	-	-	8.3.2.TU
Neighborhood Grocery Store	-	-	-	-	-	SE	-	P	P	P	P	-	-	P	-	P	P	-	-	-	-	-	-	-	8.3.2.UV
Office	-	-	-	-	-	-	-	P	P	P	P	P	P	P	P	P ¹	P ¹	P	P ¹	SE	SE	P	-	-	8.3.2.VW
Personal Service Establishment	-	-	-	-	-	-	-	P	P	P	P	-	P	P	P	P	P	-	-	-	-	P	-	-	8.3.2.WX
Private Club / Lodge	-	-	-	-	-	-	-	P	P	P	P	SE	-	P	P	-	-	SE	-	-	-	-	-	-	8.3.2.XY
Recreation/Entertainment Facility - Indoor	-	-	-	-	-	-	-	P	P	-	-	-	P	P	P	P	-	-	-	-	-	-	-	-	8.3.2.YZ
Recreation/Entertainment Facility - Outdoor	-	-	-	-	-	-	-	-	P	-	-	-	P	P	P	-	-	-	-	-	-	-	SE	-	8.3.2.ZAA
Research and Development	-	-	-	-	-	-	-	SE	P	-	-	-	P	P	P	P	-	-	P	P	P	P	-	-	8.3.2.AAAB
Restaurant	-	-	-	-	-	-	-	P	P	P	P	-	P	P	P	P ¹	P ¹	-	-	-	-	-	-	-	8.3.2.ABAC
Retail Establishment, Heavy	-	-	-	-	-	-	-	-	-	-	-	-	-	P	P	-	-	-	-	-	-	-	-	-	8.3.2.ACAD
Retail Establishment, Light	-	-	-	-	-	-	-	P	P	P	P	-	P	P	P	-	P ¹	-	-	-	-	P	-	-	8.3.2.ADAE
Self Storage Facility - Exterior Access	-	-	-	-	-	-	-	-	-	-	-	-	-	P	P	-	-	-	-	P	-	-	-	-	8.3.2.AEAF
Self Storage Facility - Interior Access	-	-	-	-	-	-	-	-	SE	P	-	-	-	P	P	-	-	-	-	P	-	-	-	-	8.3.2.AFAG
Sexually Oriented Business	-	-	-	-	-	-	-	-	-	-	-	-	-	P ¹	-	-	-	-	-	-	-	-	-	-	8.3.2.AGAH
Specialty Food Service	-	-	-	-	-	-	-	P	P	P	P	-	P	P	P	P	P	-	-	-	-	-	-	-	8.3.2.AHAI
Vehicle Fueling Station	-	-	-	-	-	-	-	-	-	-	-	-	-	P ¹	P ¹	-	-	-	-	-	-	-	-	-	8.3.2.AIAJ

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 "P¹" within the table indicates that the use is permitted with limitations in the district indicated. Use specific standards are located in Section 8.3 of 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 ¹	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 ¹	-	8.3.2.G
Car Wash	-	-	SE	-	-	-	8.3.2.H
Charitable Gaming Facility	-	P	-	-	-	-	8.3.2.I
Clinic	P	P	P	P	-	P	8.3.2.J
Event Venue	-	P	-	-	-	P	8.3.2.JK
Funeral Home	-	P	P	P	P	-	8.3.2.KL
Health Center / Gym	P	P	P	P	-	P	8.3.2.MN
Hotel/Motel	P	P	-	-	-	P	8.3.2.OP
Micro-Brewery/Micro-Distillery/Micro-Winery	P	P	-	-	-	-	8.3.2.R-T
Motor Vehicle Dealership	-	-	P	-	-	-	8.3.2.TU
Neighborhood Grocery Store	P	P	P	P	-	-	8.3.2.UV
Office	P	P	P	P	P	P	8.3.2.VW
Personal Service Establishment	P	P	P	P	-	P	8.3.2.WX
Private Club / Lodge	P	P	P	P	SE	-	8.3.2.XY
Recreation/Entertainment Facility - Indoor	P	P	-	-	-	P	8.3.2.YZ
Recreation/Entertainment Facility - Outdoor	-	P	-	-	-	P	8.3.2.ZAA
Research and Development	SE	P	-	-	-	P	8.3.2.AAAB
Restaurant	P	P	P	P	-	P	8.3.2.ABAC
Retail Establishment, Light	P	P	P	P	-	P	8.3.2.ADAE

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

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

5.1.3 Buildout

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

5.1.4 Height

Max Stories Above Grade^{a,b}	2
^a With an additional 10-foot front and side building setback, or a building height stepback of at least 10 feet. Stepback must occur above the ground floor.	3
^b With an additional 20-foot front and side building setback, or a building height stepback of at least 20 feet. Stepback must occur above the ground story and no higher than the third story.	4
Max Building Height^{a,b}	35 ft
^a With an additional 10-foot front and side building setback, or a building height stepback of at least 10 feet. Stepback must occur above the ground floor.	42 ft
^b With an additional 20-foot front and side building setback, or a building height stepback of at least 20 feet. Stepback must occur above the ground story and no higher than the third story.	56 ft

5.1.5 Permitted Uses

RESIDENTIAL USES		
Dwelling, Multi-family	P ¹	8.3.1.C
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
Charitable Gaming Facility	P	8.3.2.I
Clinic	P	8.3.2.IJ
Event Venue	P	8.3.2.JK
Funeral Home	P	8.3.2.KL
Greenhouse / Nursery	P	8.3.2.LM
Health Center / Gym	P	8.3.2.MN
Hotel/Motel	P	8.3.2.OP
Micro-Brewery/Micro-Distillery/ Micro-Winery	P	8.3.2.R-T
Motor Vehicle Dealership	P	8.3.2.TU
Neighborhood Grocery Store	P	8.3.2.UV
Office	P	8.3.2.VW
Personal Service Establishment	P	8.3.2.WX
Private Club / Lodge	P	8.3.2.XY
Recreation/Entertainment Facility - Indoor	P	8.3.2.YZ
Recreation/Entertainment Facility - Outdoor	P	8.3.2.ZAA
Research and Development	P	8.3.2.AAAB
Restaurant	P	8.3.2.ABAC
Retail Establishment, Heavy	P	8.3.2.ACAD
Retail Establishment, Light	P	8.3.2.ADAE
Self Storage Facility - Exterior Access	P	8.3.2.AEAF
Self Storage Facility - Interior Access	P	8.3.2.AFAG
Sexually Oriented Business	P ¹	8.3.2.AGAH
Specialty Food Service	P	8.3.2.AHAI
Vehicle Fueling Station	P ¹	8.3.2.AIAJ
Vehicle Rental Service	P	8.3.2.AJAK
Vehicle Repair Facility – Major	P ¹	8.3.2.AKAL
Vehicle Repair Facility – Minor	P ¹	8.3.2.ALAM
INSTITUTIONAL USES		
		SECTION
Community Center	P ¹	8.3.3.A
Cultural Facility	P ¹	8.3.3.B
Day Care Center	P	8.3.3.C