



CITY OF KEENE LAND USE CODE AD HOC COMMITTEE

Friday, October 25, 2019
4:00 pm
2nd Floor Conference Room
Keene City Hall
3 Washington St, 03431

AGENDA

1. Call to Order
2. Minutes of September 27, 2019
3. Review of Draft Form Based Zoning Ordinance
4. Updates
 - a. Congregate Living / Social Service Ordinance
 - b. Draft Land Development Code
 - c. Parking Study
 - d. Outreach
5. Next Meeting – tbd
6. Adjourn

**City of Keene
New Hampshire**

**AD HOC LAND USE CODE UPDATE
MEETING MINUTES**

Friday, September 27, 2019

4:00 PM

**2nd Floor Conference Room,
City Hall**

Members Present:

Mayor Kendall Lane
Councilor George Hansel
Doug Barrett
Maggie Rice
Jim Phippard
Gary Spykman

Staff Present:

Med Kopczynski, Economic Development
Director
Tara Kessler, Senior Planner
Rhett Lamb, Community Development
Director/ACM
John Rogers, Zoning Administrator
Mari Brunner, Planner

Members Not Present:

Councilor David Richards
Katie Cassidy Sutherland

1) Call to Order

Mayor Lane called the meeting to order at 4:00 PM.

2) Minutes – August 2, 2019

Councilor Hansel moved to approve the minutes of August 2, 2019, which Ms. Rice seconded and the Committee passed unanimously.

3) Review of Working Draft of Land Development Code

Ms. Kessler explained that she had shared a working draft of the Land Development Code with the Committee via email in advance of the meeting. She noted that this draft was not ready for public review.

Staff provided the following updates:

- This draft and other work in progress are laying the foundation for the final Land Development Code. It will be a long document as result of consolidating many documents, but staff is conscious of the number of pages so that it is accessible to non-professionals. Organizing the document into specific sections should significantly improve navigability of the regulations.
- The current draft is missing graphics, which the Consultant will create for the final draft.

- Residential districts are categorized beginning on page 21. Each of the Zoning Districts may have more information included to improve the consolidation of information.
- This document will allow staff to better direct members of the public who visit the Community Development Department seeking information.
- An upcoming question will be how to codify the Land Development Code when it is complete. The current City Ordinances are codified online by the company, Municode. The new Land Development Code will contain more graphics and will be laid out in a template that will be more visually streamlined than the current codes. Municode is not able to preserve this formatting with their current software. The City may need to host the Land Development Code as a navigable PDF book that is on the City website as well as a hyperlink in Municode. Ms. Kessler noted that Camiros has stated that many communities are preserving their unified codes and form based zoning in a pdf format because online code companies are not designed to host these types of highly graphical codes.
- Camiros' contract includes training staff on how to use the Land Development Code with an accompanying user guide after the code is adopted. The guide will be available after adoption to support the transition. Staff displayed another community's code user guide to demonstrate how this tool can serve as a summary for the much larger document.
- It was suggested that the Land Development Code could have hyperlinks to application forms housed elsewhere.
- It was agreed that input from practitioners trying this draft out will be most helpful prior to finalizing a draft.
- Staff is due to receive all products from Camiros, including the draft UDO with all graphics by mid-October, with a final draft available for public input in early November. Remaining items include assigning uses to the form-based subdistricts. The proposed social service and congregate living uses need to be incorporated into this draft as well.

The Committee provided the following feedback on this draft:

- As is, this draft is already a better simplification of the current Zoning Code and other land use regulations.
- It is great having all of this information in one document, but it must be a usable document. As it is taking shape, this has the potential to be a more usable document for developers and residents.
- The Executive Summary or User Guide cannot include everything.
- This draft is easier to work through step-by-step with clients, even with portions that are not yet simplified. The book is smaller now and easier to work with.
- This is a first step in simplifying the development process to the degree that other cities have, such as some on the west coast. Mr. Phippard, for example, can complete an entire development process in different states remotely, where applications are assigned a staff person immediately and meetings/site visits are streamed digitally.

4) **Form Based Zoning Update**

- a. **Draft Ordinance**
- b. **Parking Study**

Ms. Kessler noted that changes proposed to the zoning districts in Keene's downtown could have a significant impact on parking. Currently, offstreet/onsite parking is not required of private development in the Central Business District (CBD). The CBD is proposed to be replaced with the Downtown Core (DC) Subdistrict, which is smaller in area than the CBD. Staff have been questioning whether onsite parking should be required in the DC or not, and if this exception should be expanded to the Downtown Growth subdistrict. The City has contracted with Nelson\Nygaard Consulting Associates for a parking study of the existing downtown land use patterns, parking supply, and demand to test what the impact of this rezoning would be with respect to parking supply/demand.

Mr. Lamb added that lessons were learned during the Zoning 101 activities about how current parking requirements can impede development. Major questions remain about the future of density and building sizes in Keene. The consultants will provide several scenarios of what could work in Keene and what the potential parking demand would be like. The Mayor agreed that a dynamic model is needed that can guide decisions about where parking onsite is required in the Downtown. Mr. Lamb said that officially delineating districts would wait until this parking study is complete.

Councilor Hansel wanted to know if a parking garage would solve most problems, for example; even if not needed for 15 years, the City should be preparing to pay for it then. Mr. Lamb said a fundamental question is what the City can provide and where; some sites handle parking better than others. If the City wants the density this Committee has discussed, then investing in parking structures will be likely. Councilor Hansel said present use does not always justify building but it is important to know if there is a probable need for a garage and where. Mr. Phippard questioned if the consultants will look at what future uses are possible if the City invests in parking structures now. Mr. Lamb said this study will be evaluating the parking impacts of proposed future uses in the Form Based subdistricts.

Mr. Barrett questioned the possible efficacy of private commercial parking lots in Keene, like those he sees operating successfully in cities like Boston, which are expensive for the consumer but appear economically feasible for the developer with high property and real estate costs. He questioned why there are no commercial parking lots in Keene. Mr. Lamb recalled that people lease parking spaces throughout downtown currently, so there is a market. Ms. Rice recalled that the parking study two years-ago showed that there is sufficient parking in Keene that is underutilized; Mr. Kopczynski agreed. Mr. Barrett agreed there is a conception in Keene that one should be able to park directly in front of the business they are visiting, whereas people are content to walk farther in larger cities. Mr. Kopczynski agreed that most of the parking demand downtown right now is from employees of downtown businesses. He said the Wells Street parking garage could be a 24/7 facility right now. Ms. Rice said the current system is underutilized partly because it is under-marketed; if stimulating growth, the City needs to know the very serious potential parking demand, to plan for it instead of fixing it after the fact. Mayor Lane noted that most downtown parking demand is at night now, when parking is free.

Mayor Lane said it would be interesting to see this Land Development Code come forward for adoption in 2020, when 1/3 of the City Council will be new. Mr. Lamb said that providing

background information to Council members-elect would be an essential opportunity for outreach.

Regarding parking, Mr. Phippard said that past developers were slow to invest in Keene because of parking. However, he has had commercial clients consider parking garages in Keene but they were disincentivized by the property taxes in downtown Keene. The Committee discussed various parking opportunities in Keene, which would ultimately be driven by available incentives, development pressure, tax liabilities, and other possible opportunities.

Mr. Lamb said that staff is now reviewing the use chapter and definitions chapter. There will be one definitions chapter, excluding the 60-70% that are use definitions. Uses will now have their own chapter with one table showing uses across districts, which have been useful to developers in other communities. In each district definition, there will also be a zoning map so the user knows where they are. The Committee has seen drafts of most other segments of the Land Development Code. The Committee agreed these changes would be useful.

c. Outreach

5) Next Meeting – October 25, 2019

6) Adjournment

Hearing no further business, Mayor Lane adjourned the meeting at 5:01 PM.

Respectfully submitted by,
Katrnya Kibler, Minute Taker
October 4, 2019e

Reviewed and edited by Tara Kessler, Senior Planner.

X.X DK DOWNTOWN KEENE

A. Purpose

The DK Downtown Keene Zoning District carries out the policies of the City of Keene Comprehensive Master Plan by providing development standards for downtown that maintain and strengthen the unique character of the area, while also encouraging creativity and innovation in the design of new structures. More specifically, the DK District is intended to:

1. Provide a series of standards allowing for the orderly growth and development of downtown Keene in a manner that respects and enhances the City's unique identity.
2. Allow for new development that is creative, innovative, and sustainable, and that reinforces the vibrancy, human scale, and pedestrian-orientation of downtown.
3. Ensure that development remains sensitive to surrounding community context, form, and use.

B. DK Subdistricts

1. Subdistricts Established

The DK District is intended to accommodate the unique development environment within downtown Keene. To facilitate development that reinforces and enhances existing varied character areas, and encourages creative, innovative development within downtown, the DK District is divided into five sub-districts that include tailored dimensional, design, and use standards related to their specific contexts. These sub-districts are:

a. DK-C: Downtown Core Subdistrict

The DK-C Subdistrict is the heart of downtown Keene, accommodating the highest intensity of development. The Subdistrict 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.

b. DK-G: Downtown Growth Subdistrict

The DK-G Subdistrict 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 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.

c. DK-E: Downtown Edge Subdistrict

The DK-E Subdistrict accommodates a variety of moderately intense commercial development at the edges of downtown Keene, providing a transition into lower intensity commercial or residential development outside of the delineated downtown area. Such development may be a mixture of walkable development transitioning into a more auto-oriented development pattern.

d. DK-L: Downtown Limited Subdistrict

The DK-L Subdistrict is intended to accommodate the unique development pattern exhibited in downtown Keene to the north of Central Square. The subdistrict accommodates a low-intensity, limited mixture of uses in structures of a lower height, located close to the street.

e. DK-T: Downtown Transition Subdistrict

The DK-T Subdistrict is intended to accommodate a variety of residential, open space, and low intensity commercial uses in a mixed-use environment of attached and detached structures. Development within the

DK-T Subdistrict is intended to complement and transition into existing residential neighborhoods adjacent to downtown Keene.

provisions of this ordinance. The map is included as Figure X-1 below.

f. DK-I: Downtown Institutional Campus Subdistrict

The DK-I Subdistrict accommodates the unique form of Keene State College as it interfaces with the mixed-use, walkable fabric of downtown Keene.

2. DK Subdistricts Map

The boundaries of the DK Subdistricts are established on the DK Subdistricts Map, as adopted and amended from time to time by the

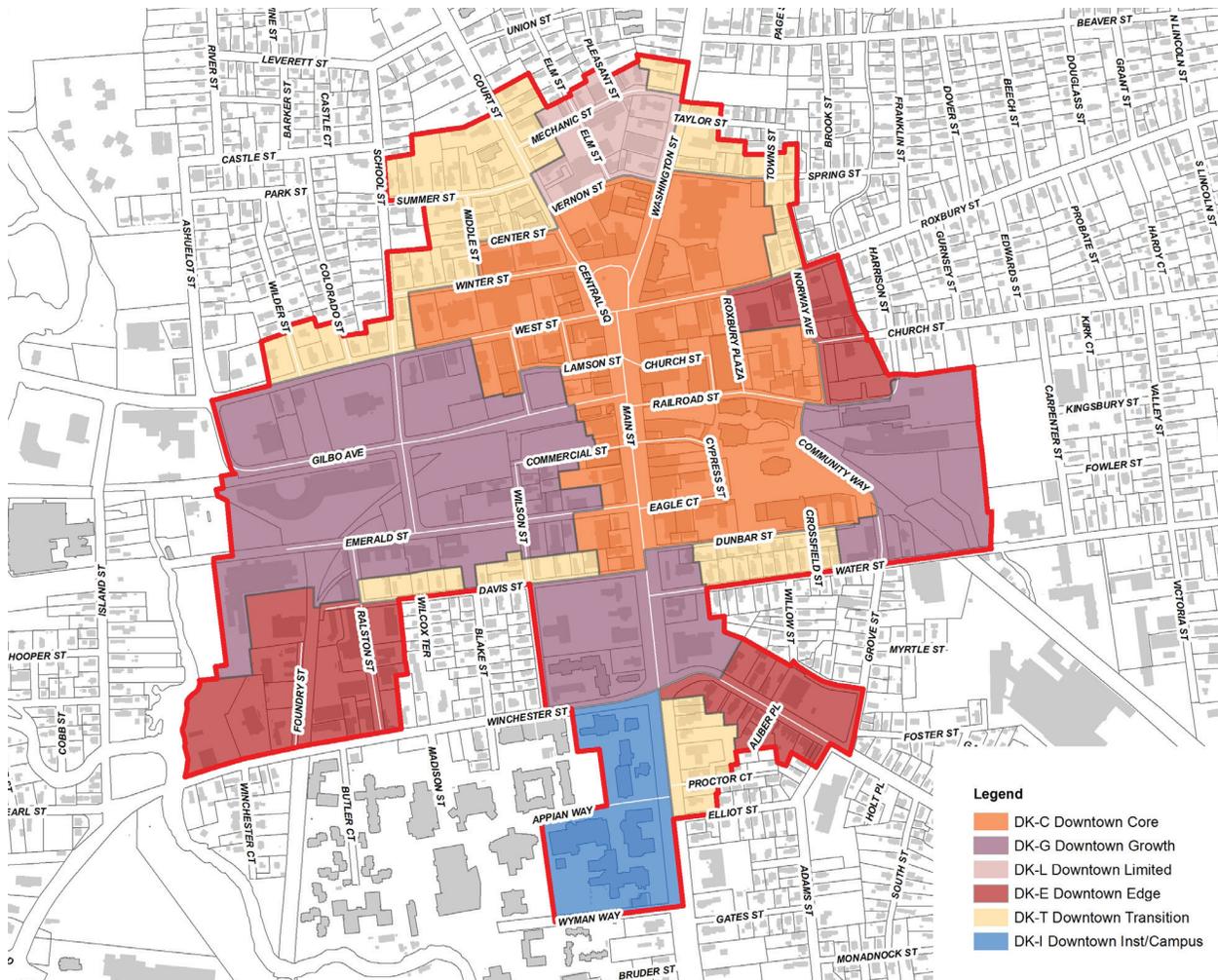


Figure X-1: DK Subdistricts Map

C. DK Street Types

In order to establish a rational hierarchy of design intensity and pedestrian orientation within downtown Keene, all existing and future streets and pedestrian rights-of-way located within the DK-C and DK-G Districts as established by Figure X-1 are classified as Primary or Secondary Streets.

1. Establishment of Street Types

- a. Primary Streets are those streets and/or pedestrian rights-of-way designed for the highest quality of design and pedestrian orientation. Primary streets carry a higher volume of pedestrian traffic, and are the spines of activity and vibrancy within downtown Keene.

- b. Secondary Streets are all those streets and/or pedestrian rights-of-way within the DK-C and DK-G Districts that are not classified as Primary Streets. Secondary Streets allow for more flexibility in design, and a lesser focus on pedestrian orientation, with greater consideration of the interface between building design and automobile transportation.

2. Street Types Map

An official Street Types Map, as adopted and amended from time to time by the provisions of this ordinance, is provided as Figure X-2 below.

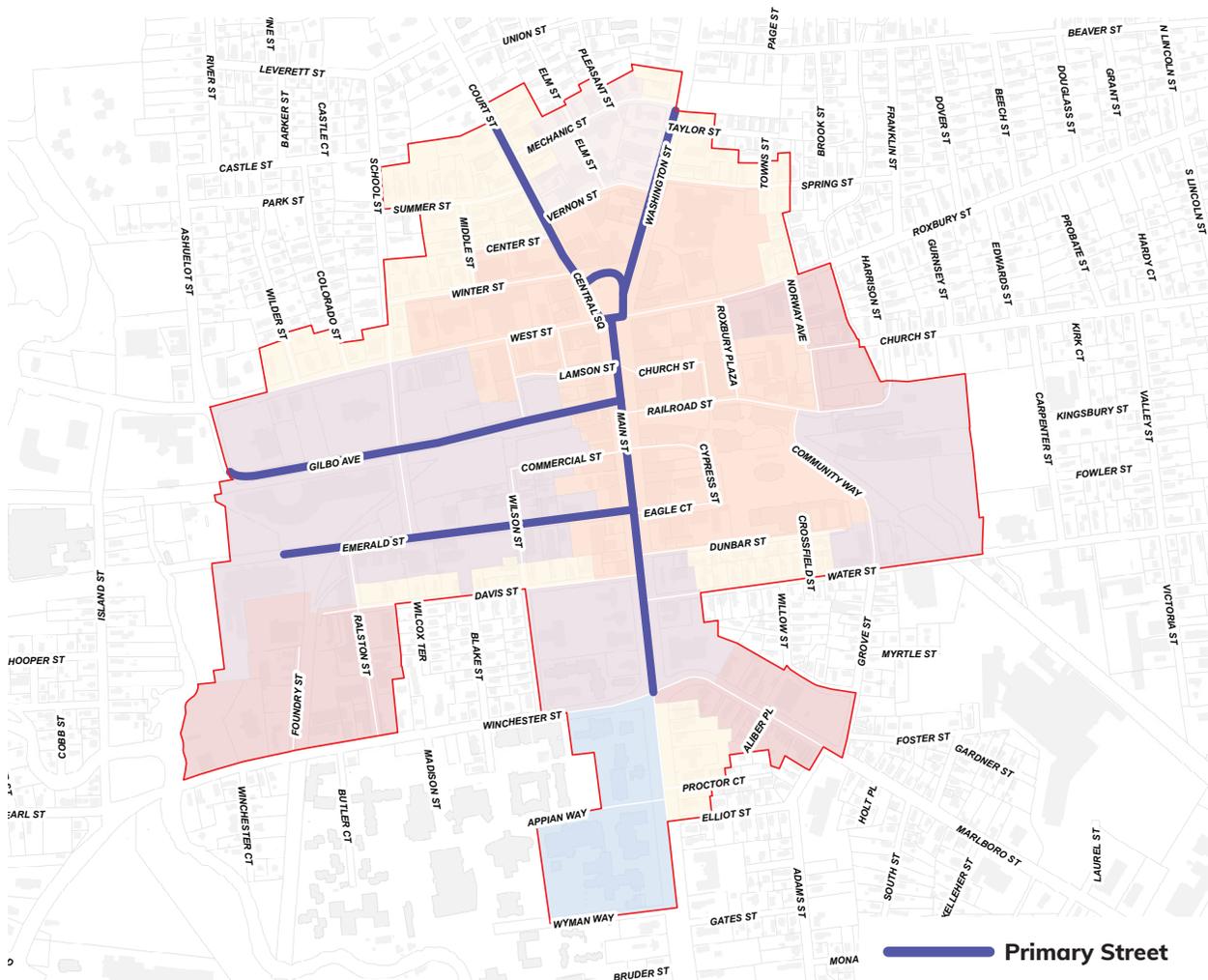


Figure X-2: DK Streets Map

D. Permitted Uses

1. Table X-1: DK Use Matrix identifies the principal and temporary uses allowed within the DK District.
2. A "P" within the table indicates that the use is permitted by-right in the subdistrict indicated.
3. **NOTE TO STAFF:** Uses within the table that we think should require special review/ approval are indicated with an "SA." As we're unsure what changes are proposed to administration, we're not sure if these would be special exceptions or conditional uses. However, we think review by the planning board would be most appropriate. Once a decision has been made on final terminology, this item will be updated.
4. If a cell is blank, the use is not allowed in the subdistrict.

NOTE TO STAFF: This is our first cut at use permissions for the DK Subdistricts. Uses have been assigned based upon existing character within each subdistrict, as well as the purpose statements that have been included. It is expected that with review/discussion there will be modifications that need to be made to the palette of uses/use permissions.

Table X-1: DK District Use Matrix

Residential Uses						
	DK-C	DK-G	DK-E	DK-L	DK-T	DK-I
Dormitory	P	P	P	P	P	P
Dwelling - Above the Ground Floor	P	P	P	P	P	
Dwelling – Accessory Dwelling Unit					P	
Dwelling - Manufactured Home				P	P	
Dwelling – Multi-Family	P	P	P	P	P	
Dwelling – Single-Family Detached				P	P	
Dwelling – Townhouse		P	P	P	P	
Dwelling – Two-Family			P	P	P	
Group Home				P	P	
Manufactured Home Park						
Residential Care Facility	P	P				
Commercial Uses						
	DK-C	DK-G	DK-E	DK-L	DK-T	DK-I
Adult Use						
Amusement Facility - Indoor	P	P	P			
Amusement Facility - Outdoor		P				
Animal Care Facility	SA	SA	P	SA	SA	

	DK-C	DK-G	DK-E	DK-L	DK-T	DK-I
Art Gallery	P	P	P	P	P	P
Arts or Fitness Studio	P	P	P	P	P	P
Bar	P	P	P			
Bed and Breakfast					P	
Body Modification Establishment	P	P	P	SA		
Broadcasting Facility - With Antennae						P
Broadcasting Facility - No Antennae	P	P	P	P	P	P
Car Wash			SA			
Contractor Office with Outdoor Storage						
Financial Institution	P	P	P	P		
Funeral Home		SA	SA	SA		
Gas Station			SA			
Greenhouse/Nursery - Retail			P			
Health Club	P	P	P	P		
Heavy Rental and Service Establishment			SA			
Heavy Retail Establishment						
Hotel/Motel	P	P	P			
Industrial Design	P	P	P	P		P
Kennel			SA			
Live Performance Venue	P	P	P			P
Lodge/Meeting Hall	P	P	P	P	P	
Medical/Dental Office	P	P	P	P	SA	
Micro-Brewery/Micro-Distillery/Micro-Winery	P	P	P	SA		
Office	P	P	P	P	P	P
Personal Service Establishment	P	P	P	P	P	
Reception Facility	P	P	P	SA		
Research and Development (R&D)		P				
Restaurant	P	P	P	P	SA	
Retail Goods Establishment	P	P	P	P	P	
Retail Goods: Showroom	P	P	P	P		
Self-Storage Facility: Enclosed		SA	P			
Self-Storage Facility: Outdoor						
Specialty Food Service	P	P	P	P	SA	
Vehicle Dealership – Enclosed		P	P			
Vehicle Dealership – Outdoor			P			

Vehicle Rental – Enclosed		P	P			
Vehicle Rental – Outdoor			P			
Vehicle Repair Facility – Major						
Vehicle Repair Facility – Minor						
Institutional Uses						
	DK-C	DK-G	DK-E	DK-L	DK-T	DK-I
Cemetery						
Community Center	P	P	P	P	P	P
Cultural Facility	P	P	P	P	P	P
Day Care Center	P	P	P	SA		
Day Care Home	P	P	P	P	P	
Educational Facility - Pre-School/Kindergarten	P	P	P	P		P
Educational Facility - Primary or Secondary	P	P	P	P		P
Educational Facility - University or College	P	P	SA	SA		P
Educational Facility - Vocational	P	P	SA	SA		P
Government Office/Facility	P	P	P	P	P	P
Place of Worship	P	P	P	P	P	P
Public Safety Facility	P	P	P	P	P	P
Public Works Facility			P			
Social Service Uses (Uses Included will Depend on Adopted Social Service Amendment)						
	DK-C	DK-G	DK-E	DK-L	DK-T	DK-I
Industrial Uses						
	DK-C	DK-G	DK-E	DK-L	DK-T	DK-I
Industrial, Craft	P	P	P	P	P	
Industrial, General						
Industrial, Heavy						
Industrial, Light		SA	SA			
Outdoor Storage Yard						
Solar Farm						
Vehicle Operation Facility						
Warehouse & Distribution Center						
Wholesale Establishment						
Wind Energy System						
TRANSPORTATION USES						
Parking Lot (Principal Use)						P
Parking – Structured Facility (Principal Use)	P	P	P	P		P

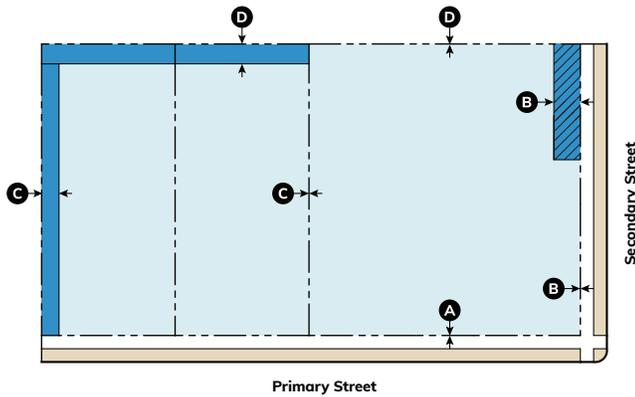
Open Space Uses						
	DK-C	DK-G	DK-E	DK-L	DK-T	DK-I
Community Garden	P	P	P	P	P	P
Conservation Area						
Country Club						P
Golf Course/Driving Range						
Public Park	P	P	P	P	P	P
Infrastructure						
	DK-C	DK-G	DK-E	DK-L	DK-T	DK-I
Public Utility (Includes Transmission & Distribution)						
Wireless Telecommunications	P	P	P	P	SA	P
Temporary Uses						
	DK-C	DK-G	DK-E	DK-L	DK-T	DK-I
Mobile Food Vendor	P	P	P	P		P
Real Estate Project Sales Office/Model Unit	P	P	P	P	P	
Temporary Contractor's Office and Contractor's Yard	P	P	P	P	P	P
Temporary Outdoor Entertainment	P	P	P	P	P	P
Temporary Outdoor Sales	P	P	P	P	P	P
Temporary Outdoor Storage Container	P	P	P	P	P	P

E. Building Disposition and Form

The following standards address the physical characteristics of buildings, their disposition on the lot, their bulk and height, and the manner in which they interact with and contribute to the pedestrian environment. Standards are tailored to the character and context of each of the established DK Subdistricts.

1. DK-C Downtown Core Subdistrict

a. Dimensions and Siting

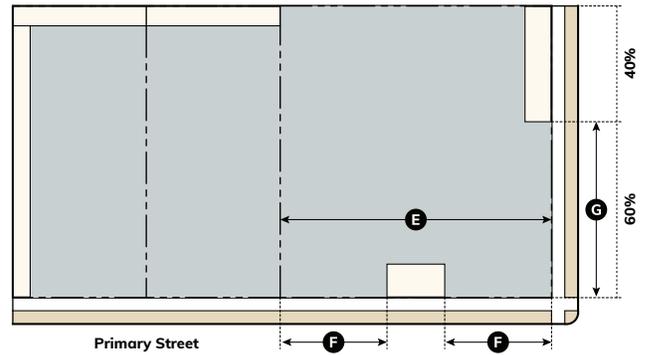


Dimensions and Siting

Minimum Lot Area	None
Minimum Lot Width	None
A Primary Street Setback ¹	0' Build-to Line
B Secondary Street Setback ¹	0-10' Build-to Zone unless located on a corner lot with Primary Street frontage, then 0' Build-to Line
C Minimum Interior Side Setback	0', unless abutting residential district or DK-T subdistrict, then 15'
D Minimum Rear Setback	0', unless abutting residential district or DK-T subdistrict, then 15'

¹ If the front lot line is more than 6" closer to the centerline of an adjacent street than the two closest lots on the same frontage, an "averaged front lot line" must be used to determine the required setback. "Averaged front lot line" is established as the average location of the front lot line relative to the street centerline for the two closest lots on the same frontage.

b. Buildout

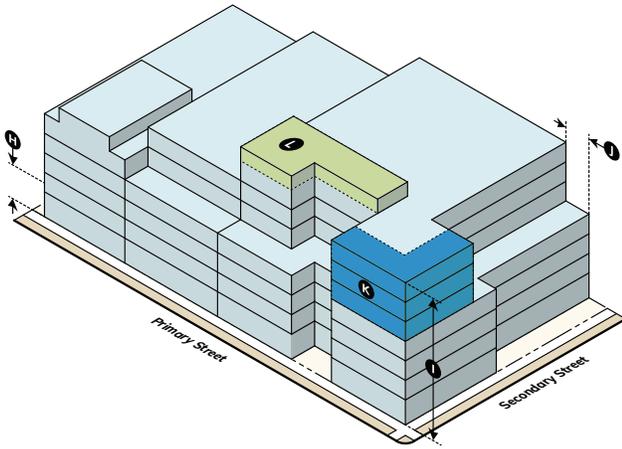


Buildout

E Maximum Building Length	250'
F Minimum Primary Street Build-to Percentage	80%
G Minimum Secondary Street Build-to Percentage ¹	60%

¹ When a corner lot also has frontage on a Primary Street, minimum build-to percentage is calculated as the first 60% of total building length measured from the corner.

c. Height



Building Height

H	Minimum Building Height	18'
I	Maximum Building Height	85' and 7 Stories
J	Minimum Height Stepback	15'

Height stepback required for buildings taller than 65' in height. Stepback must occur above the ground story and no higher than the 5th story.

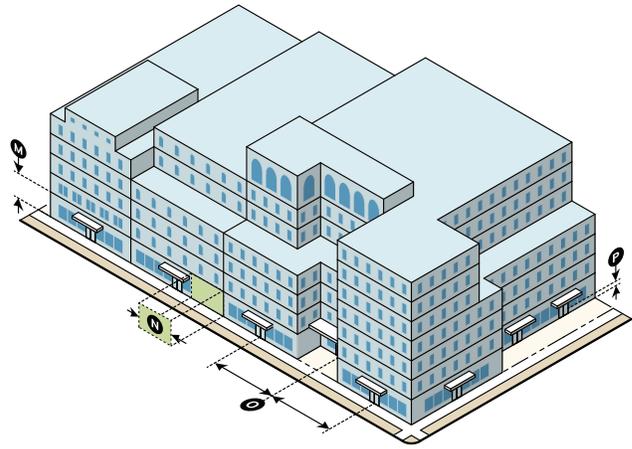
K Optional Corner Tower Element

Corner tower element limited in width and depth to a maximum of 25% of the building frontage. May exceed height at which stepback is required, but may not exceed overall building height.

L Permitted Height Exception

Buildings may exceed maximum permitted height by 8' for a maximum of 25% of the square footage of the top floor. Such additional height may not be used to create an additional story.

d. Activation

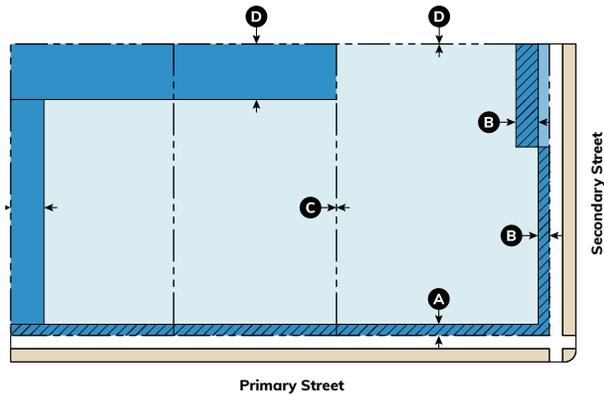


Building Activation

M	Minimum Ground Floor Height	14'
N	Maximum Blank Wall Area	20'
O	Maximum Building Entry Spacing	Primary Street: 50' Secondary Street: None
P	Maximum Vertical Distance Between Building Entry and Sidewalk	3'
	Minimum Ground Floor Transparency	50%
	Minimum Upper Floor Transparency	15%

2. DK-G Downtown Growth Subdistrict

a. Dimensions and Siting

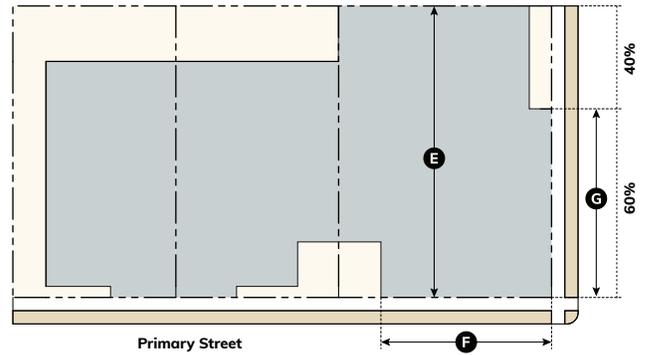


Dimensions and Siting

Minimum Lot Area	None
Minimum Lot Width	None
A Primary Street Setback ¹	0'-5' Build-to Zone
B Secondary Street Setback ¹	5-15' Build-to Zone unless located on a corner lot with Primary Street frontage, then 0' -5' Build-to Zone
C Minimum Interior Side Setback	0', unless abutting residential district or DK-T subdistrict, then 15'
D Minimum Rear Setback	0', unless abutting residential district or DK-T subdistrict, then 25'

¹ If the front lot line is more than 6" closer to the centerline of an adjacent street than the two closest lots on the same frontage, an "averaged front lot line" must be used to determine the required setback. "Averaged front lot line" is established as the average location of the front lot line relative to the street centerline for the two closest lots on the same frontage.

b. Buildout

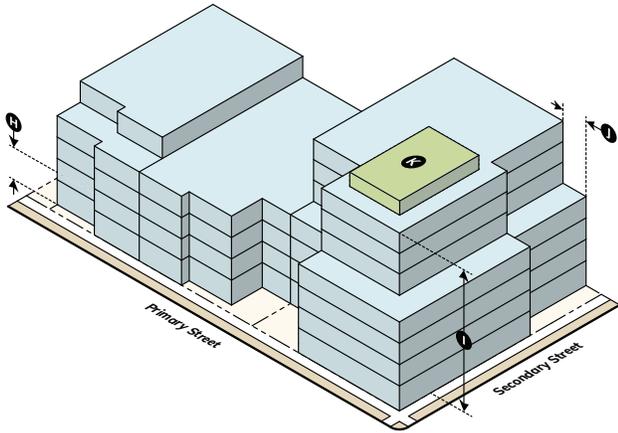


Buildout

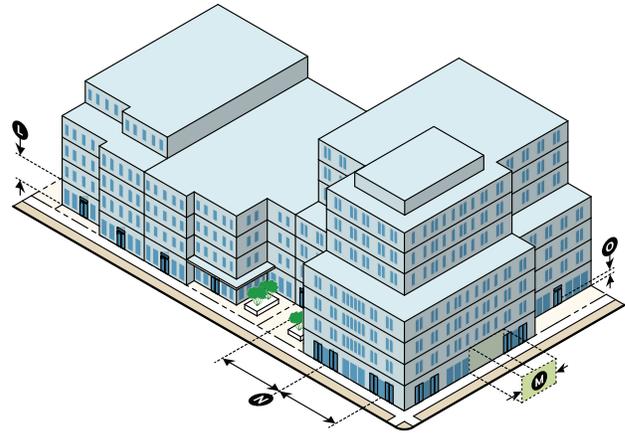
E Maximum Building Length	350', Unless a pedestrian passage is provided, then 500'
F Minimum Primary Street Build-to Percentage	80%
G Minimum Secondary Street Build-to Percentage ¹	60%

¹ When a corner lot also has frontage on a Primary Street, minimum build-to percentage is calculated as the first 60% of total building length measured from the corner.

c. Height



d. Activation



Building Height

H	Minimum Building Height	24'
I	Maximum Building Height	85' and 7 Stories
J	Minimum Height Stepback	15'

Height stepback required for buildings taller than 65' in height. Stepback must occur above the ground story and no higher than the 5th story.

Optional Corner Tower Element

Corner tower element limited in width and depth to a maximum of 25% of the building frontage. May exceed height at which stepback is required, but may not exceed overall building height.

K Permitted Height Exception

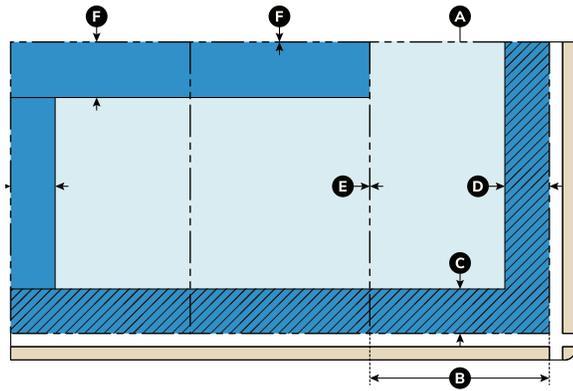
Buildings may exceed maximum permitted height by 8' for a maximum of 25% of the square footage of the top floor. Such additional height may not be used to create an additional story.

Building Activation

L	Minimum Ground Floor Height	14'
M	Maximum Blank Wall Area	30'
N	Maximum Building Entry Spacing	Primary Street: 75' Secondary Street: None
O	Maximum Vertical Distance Between Building Entry and Sidewalk	3'
	Minimum Ground Floor Transparency	Primary Street: 50% Secondary Street: 40%
	Minimum Upper Floor Transparency	15%

3. DK-E Downtown Edge Subdistrict

a. Dimensions and Siting

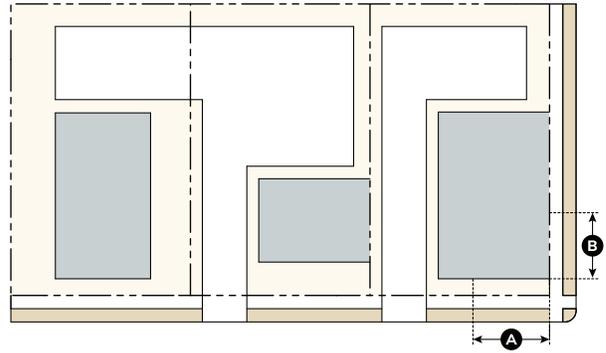


Dimensions and Siting

A	Minimum Lot Area	10,000sf
B	Minimum Lot Width	50'
C	Front Setback ¹	0'-20' Build-to Zone
D	Corner Side Setback ¹	0'-20' Build-to Zone
E	Minimum Interior Side Setback	0', unless abutting residential district or DK-T subdistrict, then 20'
F	Minimum Rear Setback	0', unless abutting residential district or DK-T subdistrict, then 25'

¹ If the front or corner side lot line is more than 6" closer to the centerline of an adjacent street than the two closest lots on the same frontage, an "averaged front lot line" must be used to determine the required setback. "Averaged front lot line" is established as the average location of the front or corner side lot line relative to the street centerline for the two closest lots on the same frontage.

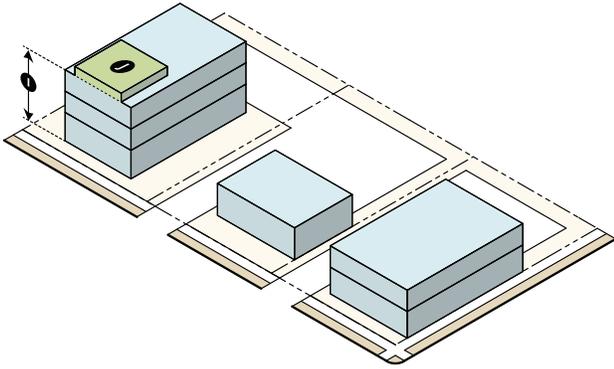
b. Buildout



Buildout

G	Minimum Front Build-to Percentage	60%
H	Minimum Corner Side Build-to Percentage	40%

c. Height

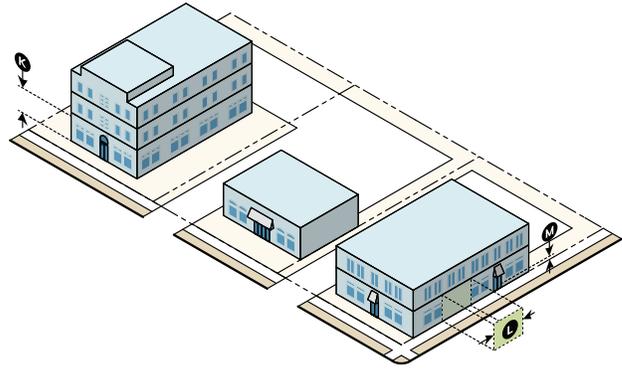


Building Height

Minimum Building Height	None
I Maximum Building Height	40' and 3 Stories
J Permitted Height Exception	

Buildings may exceed maximum permitted height by 5' for a maximum of 25% of the square footage of the top floor. Such additional height may not be used to create an additional story.

d. Activation

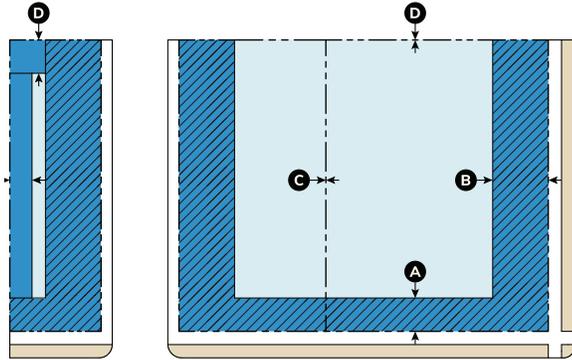


Building Activation

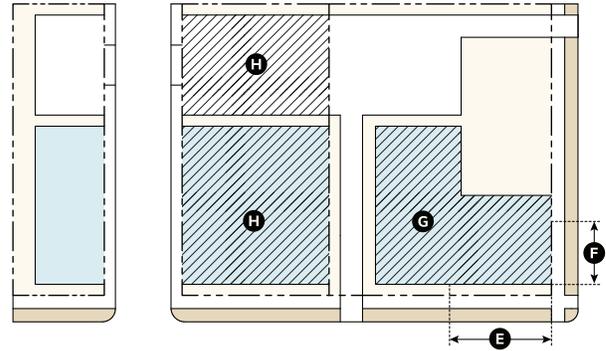
K Minimum Ground Floor Height	12'
L Maximum Blank Wall Area	30'
M Maximum Vertical Distance Between Building Entry and Sidewalk	18"
Minimum Ground Floor Transparency	30%
Minimum Upper Floor Transparency	15%

4. DK-L Downtown Limited Subdistrict

a. Dimensions and Siting



b. Buildout



Dimensions and Siting

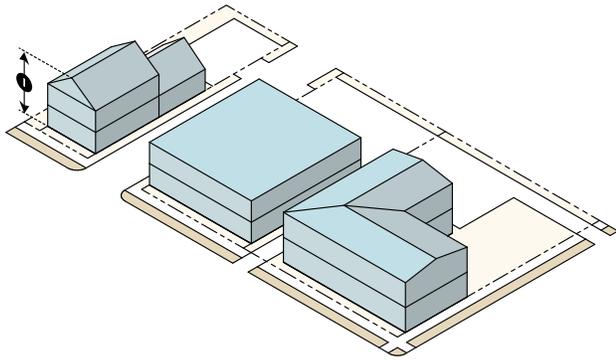
	Minimum Lot Area	None
	Minimum Lot Width	None
A	Front Setback ¹	0'-15' Build-to Zone
B	Corner Side Setback ¹	0'-25' Build-to Zone
C	Minimum Interior Side Setback	0', unless abutting residential district or DK-T subdistrict, then 10'
D	Minimum Rear Setback	0', unless abutting residential district or DK-T subdistrict, then 15'

Buildout

E	Minimum Front Build-to Percentage	60%
F	Minimum Corner Side Built-to Percentage	40%
G	Maximum Building Coverage	65%
H	Maximum Impervious Surface Coverage	80%

¹ If the front or corner side lot line is more than 6" closer to the centerline of an adjacent street than the two closest lots on the same frontage, an "averaged front lot line" must be used to determine the required setback. "Averaged front lot line" is established as the average location of the front or corner side lot line relative to the street centerline for the two closest lots on the same frontage.

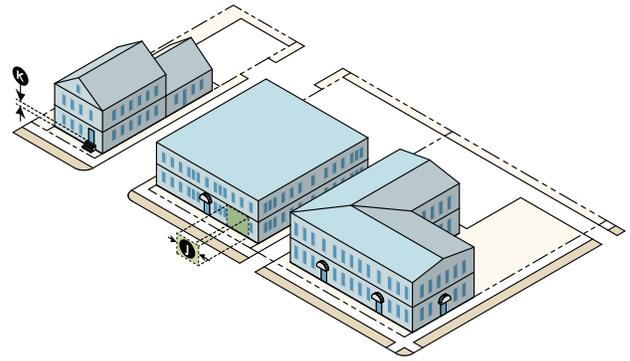
c. Height



Building Height

	Minimum Building Height	None
1	Maximum Building Height	35' and 2.5 Stories

d. Activation

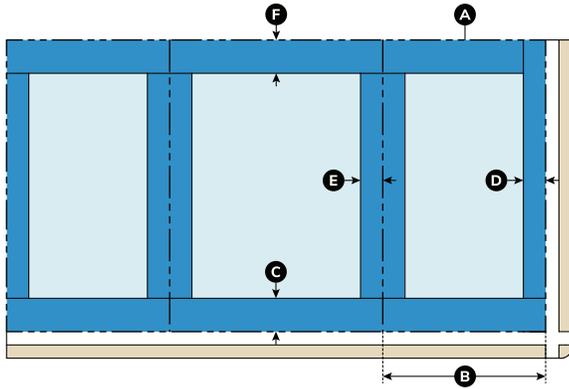


Building Activation

J	Maximum Blank Wall Area	20'
K	Maximum Vertical Distance Between Building Entry and Sidewalk	4'
	Minimum Ground Floor Transparency	30%
	Minimum Upper Floor Transparency	15%

5. DK-T Downtown Transition Subdistrict

a. Dimensions and Siting

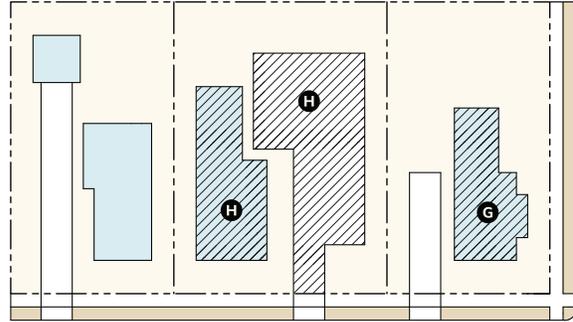


Dimensions and Siting

A	Minimum Lot Area	8,000sf
B	Minimum Lot Width	60'
C	Minimum Front Setback ¹	15'
D	Minimum Corner Side Setback ¹	10'
E	Minimum Interior Side Setback	10'
F	Minimum Rear Setback	15'

¹ If the front or corner side lot line is more than 6" closer to the centerline of an adjacent street than the two closest lots on the same frontage, an "averaged front lot line" must be used to determine the required setback. "Averaged front lot line" is established as the average location of the front or corner side lot line relative to the street centerline for the two closest lots on the same frontage.

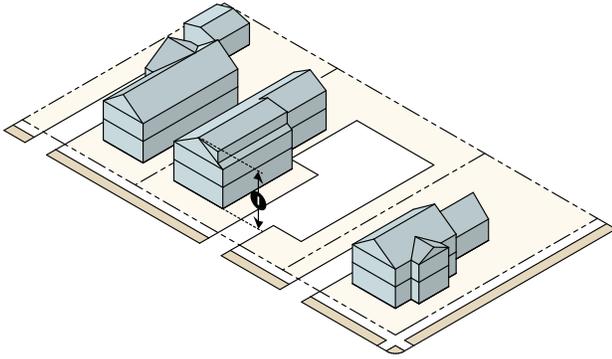
b. Buildout



Buildout

G	Maximum Building Coverage	40%
H	Maximum Impervious Surface Coverage	60%

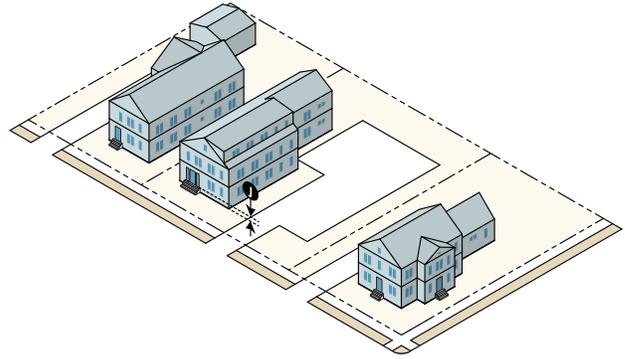
c. Height



Building Height

Minimum Building Height	None
1 Maximum Building Height	40' and 3 Stories

d. Activation

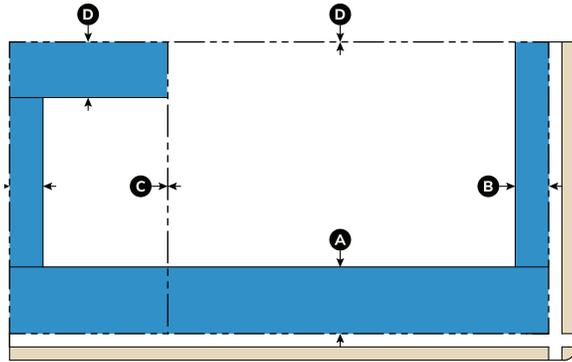


Building Activation

1 Maximum Vertical Distance Between Building Entry and Sidewalk	Multi-Family + Nonresidential Uses: 5'
Minimum Ground Floor Transparency	Multi-Family + Nonresidential Uses: 25%
Minimum Upper Floor Transparency	Multi-Family + Nonresidential Uses: 10%

6. DK-I Downtown Institutional Campus Subdistrict

a. Dimensions and Siting

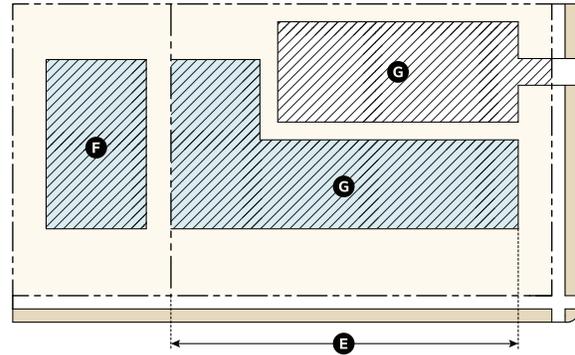


Dimensions and Siting

	Minimum Lot Area	None
	Minimum Lot Width	None
A	Minimum Front Setback ¹	30'
B	Minimum Corner Side Setback ¹	15'
C	Minimum Interior Side Setback	0', unless abutting residential district or DK-T subdistrict, then 15'
D	Minimum Rear Setback	0', unless abutting residential district or DK-T subdistrict, then 25'

- ¹ If the front or corner side lot line is more than 6" closer to the centerline of an adjacent street than the two closest lots on the same frontage, an "averaged front lot line" must be used to determine the required setback. "Averaged front lot line" is established as the average location of the front or corner side lot line relative to the street centerline for the two closest lots on the same frontage.

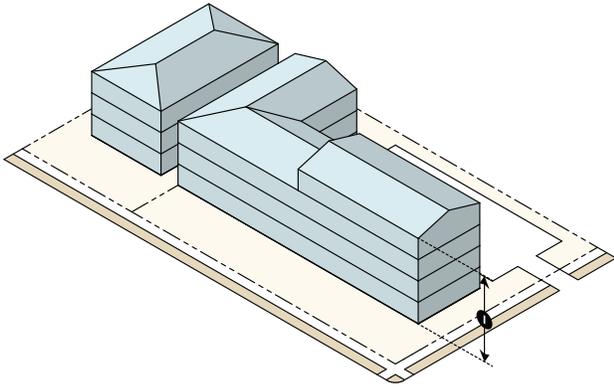
b. Buildout



Buildout

E	Maximum Building Length	350', unless a pedestrian passage is provided, then 500'
F	Maximum Building Coverage	50%
G	Maximum Impervious Surface Coverage	75%

c. Height



Building Height

Minimum Building Height	None
<p>1 Maximum Building Height</p> <p>50' at required setbacks Structures may increase height over 50' by setting back an additional 2' for every 1' of additional height from all required setbacks.</p>	

F. Parking and Access

1. Required Parking (Preliminary proposal: waiting for guidance from Nelson/Nygaard)
 - a. Buildings of 5 stories or fewer within the DK-C District do not require parking. In all other subdistricts, the minimum parking requirements of Section X.F.1.B apply.

This would be a middle-ground between totally exempting parking, and requiring parking for those uses that are likely to have a larger impact/demand.

- b. For structures over X stories within the DT-C and DT-G Districts, parking must be provided as follows (Calculated on the GFA per use of the total building):
 - i. Retail Uses: 3 Spaces/1000sf
 - ii. Office Uses: 2 Spaces/1000sf
 - iii. Residential Uses: 1 Space/du
 - iv. Hotel: 1 Space/room

2. Parking Location and Access

- a. In the DK District, the location of parking for nonresidential and multi-family uses is regulated by the provisions of Table X-2: Parking Location and Access, on the following page.
- b. Off-street parking must not be visible from the public right-of-way unless the standards of Section X.G.4 are met.

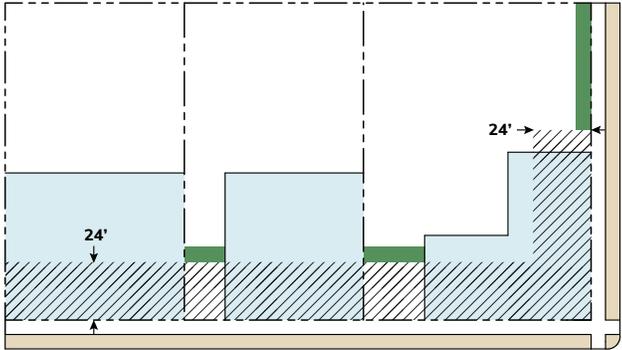
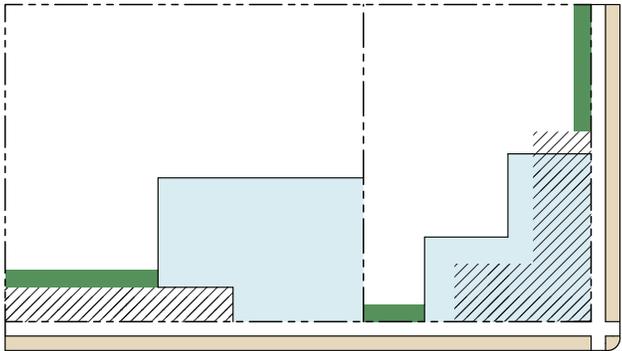
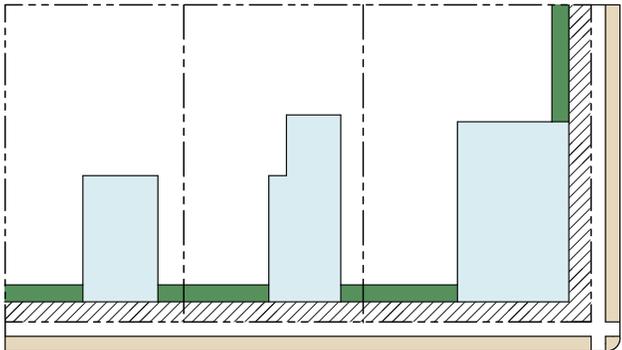
Table X-2: Parking Location and Access

	Subdistrict and Street Type	Permitted Parking Location	Parking Access
DK-C and DK-G Subdistricts	Primary Street (Interior Lot)	Surface parking is prohibited within the first 24 feet, measured perpendicularly from the lot line abutting the primary street frontage.	Not permitted along a primary street frontage.
	Secondary Street (Interior Lot)	Surface parking is prohibited between the front lot line and the front building façade line.	Access lanes may be no wider than 12' for one-way traffic, or 24' for two-way traffic.
	Primary and Secondary (Corner Lot) <i>Corner lots with frontage along both a primary and secondary street.</i>	Primary Frontage: Surface parking is prohibited within the first 24 feet, measured perpendicularly from the lot line abutting the primary street frontage. Secondary Frontage: Surface parking is prohibited within the first 24 feet, measured perpendicularly from the lot line abutting the secondary street frontage for the first 60% of the lot width along such frontage, measured from the corner. Parking is prohibited between the front building façade line and the front lot line, and between the corner side building façade line and corner side lot line.	Access is not permitted from a primary street frontage. From a secondary frontage, no access is permitted within the first 60% of lot width, measured from the corner. Access lanes may be no wider than 12' for one-way traffic, or 24' for two-way traffic.
	Secondary Street (Corner Lot) <i>Corner Lots with frontage along two secondary streets.</i>	Surface parking is prohibited within the first 24 feet, measured perpendicularly from the lot line abutting either secondary frontage for the first 60% of the lot width, measured from the corner. Surface parking is prohibited between the front building façade line and the front lot line, and between the corner side building façade line and corner side lot line.	No access is permitted within the first 60% of lot width, measured from the corner. Access lanes may be no wider than 12' for one-way traffic, or 24' for two-way traffic.
All Other Subdistricts	Interior Lots	Surface parking is prohibited between the front building façade line and the front lot line, with the exception of the DK-I Subdistrict. ¹	Access lanes may be no wider than 12' for one-way traffic, or 24' for two-way traffic.
	Corner Lots	Surface parking is prohibited between the front building façade line and the front lot line, and between the corner side building façade line and corner side lot line, with the exception of the DK-I Subdistrict. ²	No access is permitted within the first 40% of lot width, measured from the corner. Access lanes may be no wider than 12' for one-way traffic, or 24' for two-way traffic.

1 In the DK-I Subdistrict, surface parking may be located between the front building façade line and the front lot line, but may not be located within the first 15 feet, measured perpendicularly from the front lot line.

2 In the DK-I Subdistrict, surface parking may be located between the front building façade line and front lot line, and between the corner side building façade line and corner side lot line, but may not be located within the first 15 feet, measured perpendicularly from the lot line.

Parking Location Diagrams

Subdistrict and Street Type	Permitted Parking Location
<p>DK-C and DK-G Subdistricts</p> <p>Primary Street (Interior Lot)</p> <p>Primary and Secondary (Corner Lot) Corner lots with frontage along both a primary and secondary street.</p>	<p>  Surface Parking Prohibited  Perimeter Landscape (X.G.4) </p>  <p>Primary Street</p> <p>Secondary Street</p>
<p>Secondary Street (Interior Lot)</p> <p>Secondary Street (Corner Lot) Corner Lots with frontage along two secondary streets.</p>	<p>  Surface Parking Prohibited  Perimeter Landscape (X.G.4) </p>  <p>Secondary Street</p> <p>Secondary Street</p>
<p>All Other Subdistricts</p> <p>Interior Lots</p> <p>Corner Lots</p>	<p>  Surface Parking Prohibited  Perimeter Landscape (X.G.4) </p>  <p>Street</p>

3. Design of Parking Structures

a. Tenantable Space

When adjacent to a front or corner-side lot line, parking structures in the DK District may be required to include residential or nonresidential tenantable space.

- i. Tenantable space must be designed to meet the activation requirements of the subdistrict. When designed for nonresidential use, tenantable space must be a minimum of 20 feet in width and 20 feet in depth, and must include utility stubs. Ground floor tenantable space for nonresidential use must also be outfitted with the ability to accommodate equipment for restaurant uses. When ground floor tenantable space is designed for residential use, it is not required to accommodate equipment for restaurant uses.

b. General Parking Structure Regulations

- i. On portions of the ground floor façade that are visible from the public right-of-way and are not wrapped by tenantable space or used as ingress/egress points, screening must be installed to a minimum height of 4 feet, and must consist of a solid wall, or a decorative/semi-opaque fence or screen in combination with landscaping.
- ii. On portions of the façade above the ground floor that are visible from the public right-of-way and are not wrapped by tenantable space, vehicles must be screened from view by solid wall or panel a minimum of 4 feet in height. Any remaining openings must be vertically proportioned.

- iii. Parking structures with rooftop open-air parking visible from the public right-of-way must provide screening in the form of a parapet wall a minimum of 4 feet in height.
- iv. Façades that are visible from the public right-of-way and not wrapped by tenantable space must be designed to mask any interior ramping, maintaining a vertically and horizontally aligned appearance.
- v. A vehicular clear sight zone must be provided at all vehicular exit areas as follows:
 - (A) The façade of vehicular exit areas must be set back a minimum of ten feet for that portion of the façade that includes the vehicle exit area, and an additional ten feet on each side of the exit opening.
 - (B) A vehicular clear sight zone is defined by drawing a line from the edge of the vehicular exit area to the main building façade line.
 - (C) In the vehicular clear sight zone, landscape or a decorative wall must be used to separate the exit aisle and the pedestrian walkway. Such landscape and/or decorative wall may not exceed 30 inches in combined overall height, to ensure driver sightlines are maintained.
 - (D) Upper stories of the parking structure may overhang the vehicular clear sight zone.

c. Parking Structure Design in the DK-C and DK-G Subdistricts

- i. Parking structures fronting on Primary streets in the DK-C and DK-G Districts must provide tenantable space along a minimum of 80% of the total building length along the Primary Street, from the ground floor to the full height of the structure.
- ii. Parking structures fronting on Secondary Streets in the DK-C and DK-G Subdistricts must provide tenantable space along a minimum of 60% of the total building length along the Secondary Street, on the ground floor.

4. Parking Lot Screening

Off-street parking areas visible from the public right-of-way must provide a perimeter landscape treatment. Perimeter landscape must be established along the edge(s) of the parking lot to screen vehicles, and must run the full length of the perimeter. The landscaped area must be improved as follows:

a. DK-C and DK-G Subdistricts

- i. The perimeter landscape area must be at least 5 feet in depth, measured from the edge of the parking area.
- ii. The perimeter parking lot landscape area must include an opaque screening element, such as a solid wall or panel, a minimum of 4 feet in height, located at the furthest point of the landscape area from the public right-of-way. Such wall or panel may be no taller than 6 feet in height, and any portion above 4 feet in height must be semi-transparent or transparent.
- iii. The remainder of the perimeter landscape area must be

landscaped and designed as one or more of the following installations.

(A) One evergreen shrub must be planted for every 3 linear feet of perimeter area length. Shrubs may be varied in placement, rather than linearly spaced, but the total number of shrubs planted must equal one shrub per 3 linear feet. Shrubs must be at least 3 feet in height at maturity, and have a minimum spread of 2 feet.

(B) A mixture of shrubs, perennials, grasses, and other planting types that provide screening to a minimum of 3 feet in height at maturity.

(C) A mixture of shrubs, perennials, grasses, and other native planting types in combination with a seat wall. Up to 30% of the total length of the required wall or panel may be designed as a seating wall. If seating areas are included, the minimum height does not apply and plantings are not required in front of those portions of the wall used for seating

- iv. 60% of the perimeter landscape area outside of shrub and tree planting areas must be planted in live groundcover, perennials, or ornamental grasses. Stone, mulch, or other permeable landscape materials are allowed for any remaining area.

b. DK-E, DK-L, DK-T Subdistricts

- i. The perimeter landscape area must be at least 7 feet in depth, measured from the edge of the parking area.

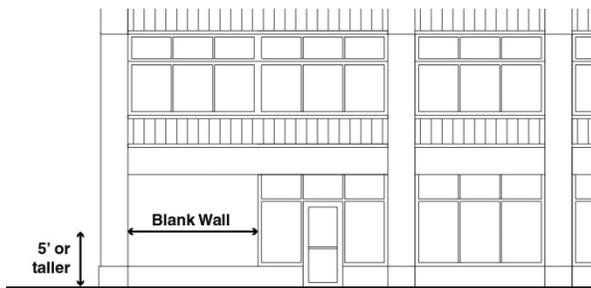
- ii. The perimeter parking lot landscape area must be landscaped and designed as one or more of the following installations.
 - (A) One evergreen shrub must be planted for every 3 linear feet of perimeter area length. Shrubs may be varied in placement, rather than linearly spaced, but the total number of shrubs planted must equal one shrub per 3 linear feet. Shrubs must be at least 3 feet in height at maturity, and have a minimum spread of 2 feet. Shrubs are not required to be planted within 4 feet of a tree.
 - (B) A mixture of shrubs, perennials, grasses, and other planting types that provide screening to a minimum of 3 feet in height at maturity.
 - (C) A low pedestrian wall a minimum of 3 feet to a maximum of 4 feet in height. A mixture of shrubs, perennials, grasses, and other native planting types is required in the area in front of such wall for the entirety of its length. Up to 30% of the total length of such wall may be designed as a seating wall. If seating areas are included, the minimum wall height does not apply and plantings are not required in front of those portions of the wall used for seating
 - iv. 60% of the perimeter landscape area outside of shrub and tree planting areas, including when a wall is used, must be planted in live groundcover, perennials, or ornamental grasses. Stone, mulch, or other permeable landscape materials are allowed for any remaining area.
- c. **DK-I District**
 - i. The perimeter landscape area must be at least 15 feet in depth, measured from the edge of the parking area.
 - ii. One shrub must be planted for every 3 feet of perimeter yard length, spaced linearly. Alternatively, a mix of shrubs, perennials, native grasses, and other planting types that provide screening of a minimum of 3 feet in height may be used.
 - iii. A minimum of one shade tree must be provided for every 30 linear feet of perimeter landscape yard. Ornamental trees may be substituted for shade trees at a 2:1 ratio. Trees may be spaced linearly on-center, or grouped to complement an overall design concept.
 - iv. Alternatively, a low pedestrian wall a minimum of 3 feet to a maximum of 4 feet in height may be used, with a reduced requirement for shade trees of one tree every 50 feet. Ornamental trees may be substituted for shade trees at a 2:1 ratio. Required shrubs must be installed between the sidewalk and the wall to provide a softening effect.
 - v. 60% of the landscape area outside of shrub and tree masses must be planted in live groundcover, perennials, or ornamental grasses. Stone, mulch, or other permeable landscape materials are required for any remaining area.

- vi. The use of stormwater management techniques, such as rain gardens and bioswales, is encouraged in the parking lot perimeter. Perimeter landscape design is encouraged to be designed to accommodate stormwater detention and infiltration.

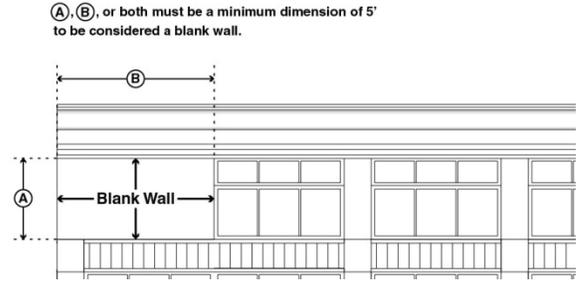
G. Supplementary Definitions

Definitions are included here for new terms used within this district. The intent is for these terms to be included in the UDO moving forward, and this Section to be eliminated.

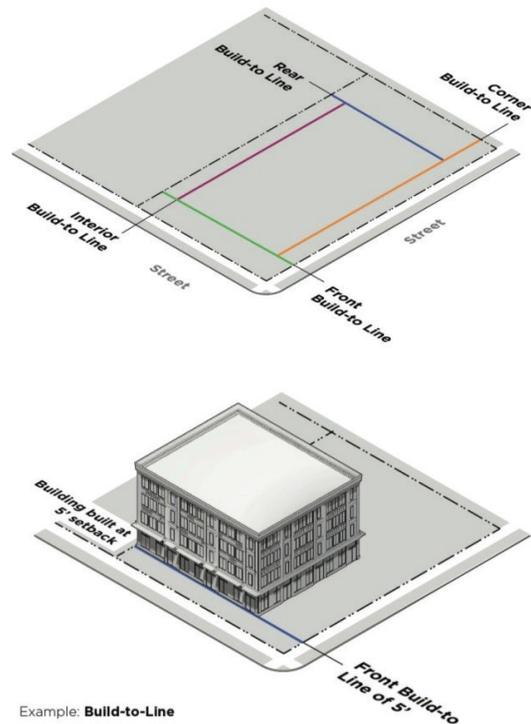
Blank Wall, Ground Floor. The horizontal linear dimension of contiguous building wall that does not contain fenestration, doors, or decorative elements such as banding, medallions, artwork such as murals and mosaics, change in wall plane of at least three inches, or other architectural or material embellishment. Any wall less than five feet in height is not considered to be a blank wall.



Blank Wall, Upper Floor. The horizontal or vertical linear dimension of contiguous building wall that does not contain fenestration, doors, or decorative elements such as banding, medallions, artwork such as murals and mosaics, change in wall plane of at least three inches, or other architectural or material embellishment. Any wall with a minimum dimension of less than five feet (height or width) is not considered to be a blank wall.



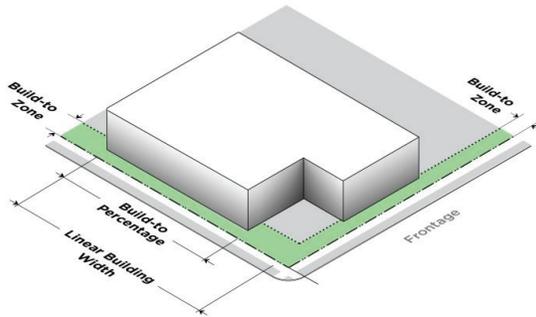
Build-To Line (BTL). A build-to line (BTL) is a set line on a lot, measured perpendicularly from the applicable lot line, where a structure must be located. The building façade line of a structure must be located on the build-to line. Façade articulation, such as window or wall recesses and projections are not counted as the building façade line, which begins at the applicable façade wall.



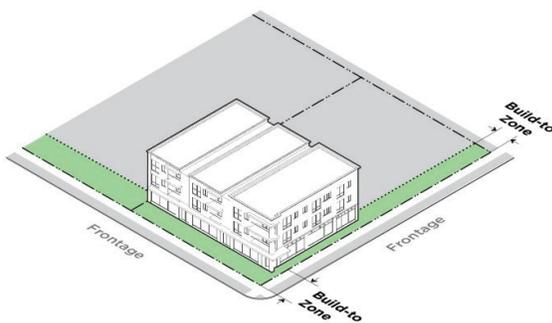
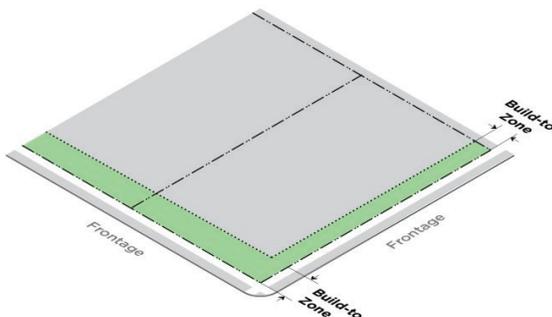
Example: **Build-to-Line**

Build-To Percentage. A build-to percentage specifies the percentage of the building façade that must be located within the build-to zone or at the build-to line. Façade articulation, such as window or wall recesses and projections, do not count against the required build-to percentage. Plazas, outdoor dining, and other public open

space features that are also bounded by a building façade parallel to the frontage are counted as meeting the build-to percentage. Build-to percentage is calculated by building façade, not lot width.



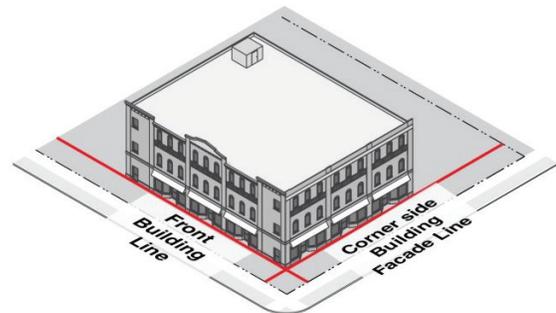
Build-To Zone (BTZ). A build-to zone (BTZ) is the area on a lot, measured perpendicularly from the lot line, within which a structure must locate. A build-to zone sets a minimum and maximum dimension within which the building façade line must be located (e.g. 0-5'). Façade articulation, such as window or wall recesses and projections are not counted as the building façade line, which begins at the applicable façade wall.



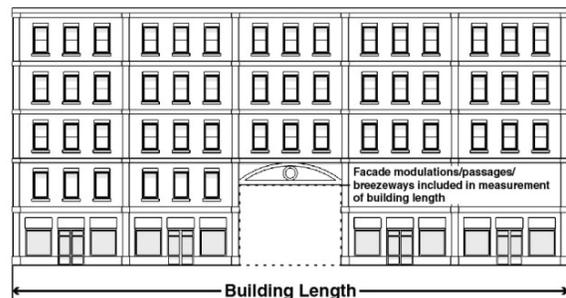
Building Appurtenance. A building appurtenance is a feature that is directly connected to and installed as part of a primary structure. Such features include chimneys, parapet walls, skylights, steeples, flag poles, smokestacks, cooling towers, elevator bulkheads, fire towers, water towers, stage towers or scenery lofts, and any necessary mechanical appurtenances or penthouses to house mechanical appurtenances. Building appurtenances are not included in the calculation of building height.

Building Entry. Any access point to a building or portion of a building or facility used for the purpose of entering

Building Façade Line. The vertical plane along a lot where the building's façade is located. Upper story building façade lines relate to that part of the façade that requires a setback.

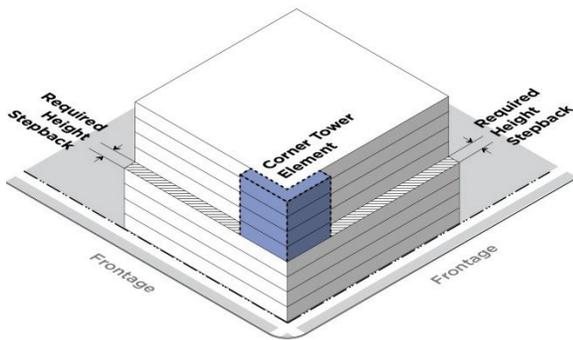


Building Length. Building length is measured as the length of the façade abutting a frontage type. Pedestrian passages, breezeways, and similar building connections are included in the calculation of total building length.



Height, Ground Floor. Ground floor height is the measurement of height for the first story of a structure, calculated as the height from the grade of the adjacent public sidewalk to the floor of the second story.

Optional Corner Tower Element. A corner tower element is an accentuated vertical element located on a building corner at a street intersection that can be located within a required setback. In no case may the corner tower element exceed the building's overall height.



Pedestrian Passage. A passageway through the ground floor façade of a building, accessed from a public right-of-way and including stories above the ground floor. Pedestrian passages must be a minimum of 15' in width and include exterior lighting treatments, landscaping, seating areas, and similar elements to ensure cohesive design and pedestrian safety and comfort. For the purposes of calculating a build-to line, build-to zone, and/or build-to percentage, a building passage is considered part of the building façade that meets such requirements.

Stepback. A stepback is the required additional distance that upper stories of a structure must be recessed from the façade of the stories below. A required stepback must continue through all upper stories once established, though it may be increased from any required minimums on any stories.

Transparency. Transparency is the required amount of window area as a percentage of the specified façade area. Doors are included

in ground floor transparency when such doors are designed with glass or other transparent materials. To qualify as transparent for the calculation, the glazing must meet the following standards:

- a. Ground floor transparency must have a minimum 60% Visible Light Transmittance (VLT) and no more than 15% Visible Light Reflectance (VLR).
- b. For upper floor glazing, the glazing must have a minimum of 40% VLT and no more than 15% VLR.
- c. Colored tinting is prohibited.
- d. The following do not meet the ground floor or upper floor transparency requirements and do not count in meeting the standard:
 - i. Windows with interior shadowboxes
 - ii. Glass block
 - iii. Printed window film, regardless of whether it allows views into or out of the building.