



CITY OF CONCORD

REPORT TO THE MAYOR AND CITY COUNCIL

FROM: Matthew R. Walsh, Deputy City Manager – Development

DATE: April 13, 2026

SUBJECT: Zoning Ordinance Amendments – Modifications of supplemental standards for attached and multifamily dwellings

Recommendation:

1. Accept this report; and,
2. Set the attached Ordinance amending the Code of Ordinances, Title IV, Zoning Code; Chapter 28, Zoning Ordinance, Section 28-4-5 Development of Attached and Multifamily Buildings.

Background:

Section 28-4-5 of the Zoning Ordinance establishes standards for the development of attached dwellings and multifamily dwelling. Attached dwellings are a form of multifamily housing where by the units are attached horizontally in a “townhouse” configuration, with each unit having direct access to the exterior of the building. Attached dwellings are a specific land use category within the Zoning Ordinance’s table of uses, and are currently permitted in 10 zoning districts.

Multifamily dwellings are all other forms of multifamily housing which are not “attached” townhomes. Commonly, these units are also referred to as “garden style” units where primary access is through a common hallway. Multifamily buildings may be single or multiple stories. Like attached dwellings, “multifamily dwellings” are also a specific land use category within the Zoning Ordinance’s table of uses, and are currently permitted in 11 zoning districts.

On December 11, 2024, the City was designated a Housing Champion by the State of New Hampshire. Currently, housing is permitted in 15 of the City’s 18 zoning districts (or 95% of the City’s total land area). From 2022-2025, 511 housing units (gross) were constructed. The City has consistently been one of the top housing producers in the State, as chronicled NH Department of Business and Economic Affairs. In October 2025, Realtor.com reported that Concord had the 14th “hottest housing market” in the United States (Nashua-Manchester was ranked #7).

Discussion:

The “Economic and Community Development” section of the City Council’s 2026-2027 City priorities includes the following focus area: *“Remove barriers to commercial and residential development through regulatory and administrative reform.”*

As such, staff is providing the attached proposed zoning amendment to revise standards contained in Section 28-4-5 for attached and multifamily dwellings. If adopted, the attached amendment will:

1. Eliminate prohibitions on maximum horizontal dimensions of attached and multifamily buildings exceeding one hundred sixty (160) feet. This provision creates rigid flexibility in design, which is especially challenging for the conversion and adaptive reuse of larger buildings. As such, terminating this requirement may eliminate potential variances for conversion of existing buildings, or future construction of larger multifamily buildings, thus making the development process more efficient. Although this requirement will be eliminated, the City's design review regulations and Planning Board's architectural design and site plan review processes will continue to ensure that building facades for large attached and multifamily structures include appropriate design elements to create visually interesting buildings which make positive contributions to the City's built environment and architectural character.
2. Eliminate the requirement for minimum forty (40) foot separation between all attached and multifamily buildings, as well as the fifteen (15) foot separation requirement between buildings and parking lots. Although not expressly stated in the amendment, the City will now default to the Building Code or Fire Codes (as applicable) for regulatory requirements regarding any such separations. Additionally, removing these dimensional requirements will provide greater flexibility for the layout of multifamily developments, particularly on tight sites.
3. Establish a Conditional Use Permit to provide flexibility for mandatory 350SF private yard requirements for attached and multifamily dwelling which are not located in performance districts and have direct access to outdoor spaces. Via the Conditional Use Permit option, the Planning Board may reduce, modify, or otherwise waive such requirements. This amendment will provide greater flexibility for design and development of attached and multifamily housing projects.
4. Establish a Conditional Use Permit to provide flexibility for mandatory buffers associated with attached and multifamily developments. Currently, attached and multifamily developments must provide a perimeter buffer along abutting lot lines to create physical and visual separation from adjacent parcels. Parking and structures are not permitted within buffer areas.

Currently, minimum mandatory buffers for attached and multifamily developments are as follows:

- 30' minimum buffer width of for one-story attached or multifamily residential structures;
- 50' minimum buffer for two-story attached or multifamily structures; and,
- 75' for attached or multifamily structures which are 3 stories or taller

Developers seeking relief from such requirements must secure a variance from the Zoning Board of Adjustment.

This amendment will give the Planning Board the flexibility to grant Conditional Uses Permits to allow developers to modify buffers as might be appropriate given

unique site constraints or adjacent land uses abutting an attached or multifamily development. Per the proposed amendment, the Conditional Use Permit will only be granted by the Planning Board when the Board finds that modification of buffer requirements will not have an adverse impact on adjacent properties or residents of the attached or multifamily development.

5. Remove provisions requiring that all multifamily dwelling units within the Central Business Performance (CBP) District be located on or above the second story of a building. (The CBP District covers the Downtown and Penacook Village central business areas).

This is a housekeeping item as, in January 2025 the City Council adopted Ordinance #3175 which modified Section 28-5-48 of the Zoning Ordinance which addresses this exact same issue. (Section 28-5-48 includes supplemental standards for development in the CBP District). Staff notes that the amendments passed in January 2025 amendment allow for ground floor units within the CBP District by Conditional Use Permit. Thus, eliminating this provision in 28-4-5 eliminates potential confusion on this issue.

6. Eliminates provisions requiring that all nonmunicipal utilities (i.e. electric, cable television, telephone, etc.) be installed underground for attached and multifamily developments. Under this current Ordinance, any potential deviation would require a Variance from the Zoning Board of Adjustment. It is unnecessary to include these requirements in the Zoning Ordinance, as such provisions are addressed in other development regulations. Therefore, eliminating the provision will improve the efficiency of the development process.
7. Eliminates mandatory supplemental parking requirements for common facilities (such as pools, playgrounds, club houses, etc.) which are more than 500' from dwelling units. While developers will be free to continue to construct such parking spaces, they will not be required to do so.
8. Provides greater flexibility to the Planning Board regarding the phasing of attached and multifamily development projects and the associated timing for the completion of common recreational facilities.
9. Establishes a Conditional Use Permit for attached and multifamily developments that desire to utilize a local street for access whereby total trips on said street may exceed 1,500 trips per day as a result of the development.

Summary:

These amendments will amend clarify standards for attached and multifamily development, remove conflicts with other municipal regulations, and provide increased flexibility for development of such projects in zoning districts where they are already permitted.