

# CITY OF CONCORD

---

*In the year of our Lord two thousand and nineteen*

**AN ORDINANCE** amending the CODE OF ORDINANCES, Title IV, Zoning Code; Chapter 28, Zoning Ordinance, Article 28-2, Zoning Districts and Allowable Uses, The Zoning Map, Article 28-3, Overlay Districts, Article 28-4, Development Design Standards; and Article 28-9, Administration and Enforcement

**The City of Concord ordains as follows:**

**SECTION I:** Amend the CODE OF ORDINANCES, Title IV, Zoning Code; Chapter 28, Zoning Ordinance; Article 28-2, Zoning Districts and Allowable Uses; Section 28-2-3, The Zoning Map, by transferring or converting the following properties from an Open Space Residential (RO) to Gateway Performance (GWP). The properties are also shown on the attached map which is entitled, “Proposed Zoning Adjustment, Map 110H, Block 3, Lot 3, Map 110I, Block 2, Lot 3, Prepared By: City of Concord, Community Development Department, Engineering Services Division,” dated August 21, 2019.

Map 110H, Block 3, Lot 3  
Black Hill Road – RO to GWP

Map 110I, Block 2, Lot 3  
Black Hill Road – RO and GWP to GWP

**SECTION II:** Amend the CODE OF ORDINANCES, Title IV, Zoning Code; Chapter 28, Zoning Ordinance; Article 28-2, Zoning Districts and Allowable Uses; Section 28-2-4, Allowable Principle and Accessory Uses in Zoning Districts; Subsection (j), Table of Principal Uses; by allowing the following uses by right as follows:

**TABLE OF PRINCIPAL USES**

		BASE DISTRICTS																DEVELOPMENT DESIGN and SUPPLEMENTAL STANDARDS	
		Residential						Commercial				Performance				Other			
	PRINCIPAL USES	open space	medium density	single family	neighborhood	downtown	high density	neighborhood	general	urban	hwy	central business	gateway	opportunity corridor	office park	civic	institute	industrial	urban transit
Use #	Use Category and Description	R	R	R	R	R	R	C	C	C	C	C	G	OC	OF	CV	IS	IN	U

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		BASE DISTRICTS																	DEVELOPMENT DESIGN and SUPPLEMENTAL STANDARDS	
		Residential						Commercial				Performance				Other				
	PRINCIPAL USES	open space	medium density	single family	neighborhood	downtown	high density	neighborhood	general	urban	hwy	central business	gateway	opportunity corridor	office park	civic	institutional	industrial		urban transit
Use #	Use Category and Description	R O	R M	R S	R N	R D	R H	C N	C G	C U	C H	C BP	G WP	OC P	OF P	CV P	IS	IN	U T	
<b>A</b>	<b>RESIDENTIAL</b>																			
1	Single-family detached dwelling	P	P	P	P	P	P	P	-	-	-	-	-	-	-	P	P	-	P	
2	Duplex or two-family dwelling	-	P	-	P	P	P	P	-	-	-	-	-	-	-	P	P	-	P	Section 28-5-2
3	Attached dwellings	-	-	-	P	P	P	-	P	P	-	-	<b>P</b>	<b>P</b>	-	P	P	-	P	Section 28-4-5
4	Multifamily dwellings	-	-	-	-	P	P	P	P	P	-	P	<b>P</b>	<b>P</b>	-	P	P	-	P	Section 28-4-5
5	Manufactured housing subdivision	-	-	-	P	P	P	-	-	-	-	-	-	-	-	-	-	-	-	Section 28-4-6
6	Manufactured housing park	-	-	-	C U	C U	C U	-	-	-	-	-	-	-	-	-	-	-	-	Section 28-4-6
7	Cluster development	P	P	P	P	-	-	-	-	-	-	-	-	-	-	-	-	-	-	Section 28-4-7
8	Single Family Dwelling in a Conventional Major Subdivision	C U	P	P	P	P	P	P	-	-	-	-	-	-	-	P	P	-	P	Section 28-4-7(c) and 28-5-46

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		BASE DISTRICTS																	DEVELOPMENT DESIGN and SUPPLEMENTAL STANDARDS	
		Residential					Commercial					Performance					Other			
	PRINCIPAL USES	open space	medium density	single family	neighborhood	downtown	high density	neighborhood	general	urban	hwy	central business	gateway	opportunity corridor	office park	civic	institutional	industrial		urban transit
Use #	Use Category and Description	R	R	R	R	R	R	C	C	C	C	C	G	OC	OF	CV	IS	IN	U	
9	Single Family Dwelling in a Conventional Minor Subdivision	P	P	P	P	P	P	P	-	-	-	-	-	-	-	P	P	-	P	Section 28-4-7(c)
10	Planned unit development	-	P	-	P	-	P	-	-	-	-	-	-	-	-	-	-	-	-	Section 28-4-8
11	Conversion of a residential building to accommodate not more than five (5) units	-	-	-	P	P	P	P	-	P	-	-	-	-	-	P	P	-	P	Section 28-5-3
12	Multifamily dwelling units for the elderly including congregate dwelling units	-	P	P	P	P	P	-	P	P	-	P	<b>P</b>	P	-	P	P	-	P	Section 28-4-5
13	Assisted living residence	-	P	-	P	P	P	-	-	P	-	-	<b>P</b>	-	-	P	P	-	P	Section 28-5-4
14	Residential social service center	-	C	-	C	C	C	-	-	C	-	-	-	-	-	P	C	-	C	Section 28-5-5
15	Rooming house	-	-	-	-	SE	-	-	-	SE	-	-	-	-	-	-	-	-	SE	Section 28-5-6

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		BASE DISTRICTS															DEVELOPMENT DESIGN and SUPPLEMENTAL STANDARDS			
		Residential					Commercial				Performance				Other					
PRINCIPAL USES		open space	medium density	single family	neighborhood	down-town	high density	neighborhood	general	urban	hwy	central business	gateway	opportunity corridor	office park	civic		institutional	industrial	urban transit
Use #	Use Category and Description	R	R	R	R	R	R	C	C	C	C	C	G	OC	OF	CV	IS	IN	U	T
16	Conversion of nonresidential building for one or more dwelling unit	-	-	-	-	P	P	P	P	P	-	P	<b>P</b>	P	-	P	P	-	P	

**SECTION III:** Amend the CODE OF ORDINANCES, Title IV, Zoning Code; Chapter 28, Zoning Ordinance, Article 28-3, Overlay Districts, Section 28-3-2, Flood Hazard (FH) District, Subsection (d), Uses Prohibited in the FH District, Paragraph (2), Uses Prohibited in the One Hundred (100) Year Floodplains, Subparagraph (a) as follows:

- (a) Any dwelling unit, or building, or structure designed for residential purposes[;], ***except in those areas that are the subject of a pending request for a Conditional Letter of Map Revision (CLOMR) filed with FEMA or subject to a CLOMR issued by FEMA, such that the area in question is removed from the 100 Year Floodplain as a result of the map revision. No building permits shall be issued until a CLOMR has been issued by FEMA. No Certificates of Occupancy shall be issued until a Letter of Map Revision (LOMR) has been issued by FEMA.***

**SECTION IV:** Amend the CODE OF ORDINANCES, Title IV, Zoning Code; Chapter 28, Zoning Ordinance, Article 28-4, Development Design Standards, Section 28-4-1, Dimensional Standards, Subsection (g), Applicability to Performance Districts, by revising Item (1) as follows:

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(1) [~~Within Performance Districts, whenever~~] **Where** a subdivision of a tract is proposed ***in the Office Park (OFP) Performance, Gateway Performance (GWP) or Opportunity Corridor Performance (OFP) Districts***, a Comprehensive Development Plan (CDP) must be prepared in accordance with the requirements of Section 28-9-4, Decisions by the Planning Board, of this ordinance. The CDP must be approved by the Planning Board prior to the granting of any other subdivision or site plan approvals for development of said tract. The standards specified in Section 28-4-1(h), Table of Dimensional Regulations, of this ordinance, shall apply to the tract for which the CDP is prepared but not to any lots proposed within the CDP to be created from that tract, as long as the combined dimensional features of the lots so created, when taken in the aggregate, remain in compliance with the dimensional standards of this ordinance and the approved CDP

**SECTION V:** Amend the CODE OF ORDINANCES, Title IV, Zoning Code; Chapter 28, Zoning Ordinance, Article 28-4, Development Design Standards, Section 28-4-5, Development of Attached and Multifamily Dwellings, revising Subsection (e), Development Standards in Performance Districts as follows:

(1) ***Mixed Use Component Required.*** *For lots less than 20,000 square feet, residential uses are permitted in the Gateway Performance (GWP) and Opportunity Corridor Performance (OCP) Districts in accordance with Section 28-2-4, Allowable Principle and Accessory Uses in Zoning Districts. For lots greater than 20,000 square feet, residential uses are permitted only where a minimum of 25% of the gross floor area consists of nonresidential uses that are located within 50 feet of a public or private street. The Planning Board may waive the requirement for residential use through the approval of a Conditional Use Permit in accordance with the requirements of Article 28-9-4(b).*

(2)[(1)] ***Comprehensive Development Plan Required.*** [~~Minimum Tract Requirements. Within those Performance Districts in which attached or multifamily dwellings are permitted,~~] *Where residential uses are proposed in the GWP or OCP Districts, [where a subdivision of the tract is proposed,] a Comprehensive Development Plan (CDP) must be prepared in accordance with the requirements of Sections 28-4-1(g), Applicability to Performance Districts, and 28-9-4, Decisions by the Planning Board. [of this ordinance, prior to the*

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~~development of a tract for attached or multi family dwellings. The standards as specified in Section 28-4-1(h), Table of Dimensional Regulations, of this ordinance, for the respective Performance Districts in which attached or multi-family dwellings are permitted shall apply to the tract for which the CDP is prepared.]~~

~~(3)[(2)] Maximum Floor Area Ratio. The density of the development of attached and multi-family dwellings *where each structure is located on its own individual lot, excluding accessory structures*, shall be established by a maximum floor area ratio [as specified hereinafter] for each principal residential use *as indicated below*. [for the respective Performance District in which the attached and multi-family dwellings are permitted:]~~

Performance District	Maximum Floor Area Ratio by Principal Residential Use		
	Attached Dwellings	Multi-family Dwellings	Multi-family for Elderly
CVP	<del>{.5}</del> 1.0	<del>{1.0}</del> 2.5	<del>{1.5}</del> 3.0
CBP	not permitted	<del>{2.5}</del> 3.0	<del>{3.0}</del> 3.5
OCP	<del>{not permitted}</del> 1.0	<del>{2.5}</del> 4.0	<del>{3.0}</del> 4.5
<b>GWP</b>	1.0	3.0	3.5

~~[(3) Building Dimensions. All buildings shall comply with the provisions relative to maximum height as specified in Sections 28-4-1(g), Applicability to Performance Districts, and 28-4-1(h), Table of Dimensional Regulations, of this ordinance, for the respective Performance Districts in which attached or multi-family dwellings are permitted.]~~

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**(4) *Density.*** *For attached and multifamily buildings not on individual lots, the density maximums of Section 28-4-5(d)(2), Maximum Lot Coverage and Density, of this ordinance, shall apply.*

**(5)[(4)] *Locational Restrictions.*** Multifamily dwellings shall be permitted in the Central Business Performance (CBP) District provided that such dwelling units are located on or above the second story of a building, and further provided that the first story of the building is used for a permitted principal nonresidential use.

**SECTION VI:** Amend the CODE OF ORDINANCES, Title IV, Zoning Code; Chapter 28, Zoning Ordinance, Article 28-9, Administration and Enforcement; Section 28-9-4, Decisions by the Planning Board, Subsection (a) (4) as follows:

(4) The Planning Board shall review and approve or disapprove Comprehensive Development Plans (CDPs) ***as required in accordance with Section 28-4-1-(g) (1) and Section 28-4-5 (e)*** [~~for those projects which are located in Performance Districts and for which a subdivision of the tract is proposed,~~] in conjunction with its aforementioned powers to approve or disapprove subdivisions and site plans, as well as in accordance with the authorization of this ordinance and pursuant to RSA 674:21, Innovative Land Use Controls; and

**SECTION VII:** This ordinance shall take effect upon its passage.

Explanation: Matter added to the current ordinance appears in ***bold italics***.  
Matter removed from the current ordinance appears in [brackets and ~~struck through~~].