

# CITY OF CONCORD

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

1 AN ORDINANCE amending the CODE OF ORDINANCES, Title VI, Zoning Code; Chapter 28,  
2 Zoning Ordinance; Article 28-2, Zoning Districts and Allowable Uses;  
3 Section 28-2-3, The Zoning Map; Section 28-2-4, Allowable Principal and  
4 Accessory Uses in Zoning Districts; Article 28-4, Development Design  
5 Standards; Section 28-4-1, Dimensional Standards; Section 28-4-5,  
6 Development of Attached and Multifamily Dwellings; Article 28-5,  
7 Supplemental Standards; Section 28-5-17, Certain Uses in the Opportunity  
8 Corridor Performance (OCP) District; Article 28-7, Access, Circulation,  
9 Parking and Loading; Section 28-7-12, Performance District Standards;  
10 and Article 28-9, Administration and Enforcement; Section 28-9-4,  
11 Decisions by the Planning Board.

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

12 **SECTION I:** Amend the CODE OF ORDINANCES, Title VI, Zoning Code; Chapter 28, Zoning  
13 Ordinance; Article 28-2, Zoning Districts and Allowable Uses; Section 28-2-3,  
14 The Zoning Map, by converting from Industrial (IN), Medium Density  
15 Residential (RM), Open Space Residential (RO) and Neighborhood Residential  
16 (RN) to Opportunity Corridor Performance (OCP), the area designated “Rezone  
17 to OCP” on the attached map, which is entitled “Proposed Rezoning to  
18 Opportunity Corridor Performance District and Neighborhood Residential  
19 District, MacCoy & Merrimack Streets, Penacook Village, Concord, NH,” dated  
20 December 19, 2018.

21 **SECTION II:** Amend the CODE OF ORDINANCES, Title VI, Zoning Code; Chapter 28, Zoning  
22 Ordinance; Article 28-2, Zoning Districts and Allowable Uses; Section 28-2-3,  
23 The Zoning Map, by converting from Medium Density Residential (RM) to  
24 Neighborhood Residential (RN), the area designated “Rezone to RN” on the  
25 attached map, which is entitled “Proposed Rezoning to Opportunity Corridor  
26 Performance District and Neighborhood Residential District, MacCoy &  
27 Merrimack Streets, Penacook Village, Concord, NH,” dated December 19, 2018.

28 **SECTION III:** Amend the CODE OF ORDINANCES, Title VI, Zoning Code; Chapter 28, Zoning  
29 Ordinance; Article 28-2, Zoning Districts and Allowable Uses; Section 28-2-4,  
30 Allowable Principal and Accessory Uses in Zoning Districts; Subsection (j),  
31 Table of Principal Uses, by allowing the following principal uses in the  
32 Opportunity Corridor Performance (OCP) District:  
33

K.7	Warehousing, or wholesale storage and distribution facilities	P	Sections 28-5-17; 28-5-23; 28-5-37
L.5	Printing and publishing	P	Sections 28-5-17; 28-5-24; 28-5-37

1 **SECTION IV:** Amend the CODE OF ORDINANCES, Title VI, Zoning Code; Chapter 28, Zoning  
2 Ordinance; Article 28-4, Development Design Standards; Section 28-4-1,  
3 Dimensional Standards; Subsection (g), Applicability to Performance Districts, by  
4 amending paragraphs (3) and (5) as follows:

- 5 (3) Where a single-family dwelling is permitted in a Performance District, the  
6 lot size and frontage shall be as specified in Section 28-4-1(h), Table of  
7 Dimensional Regulations, of this ordinance, for a single-family dwelling  
8 in a Downtown Residential (RD) District. Where a manufacturing and  
9 construction use is permitted in the Opportunity Corridor Performance  
10 (OCP) District, the lot size, lot frontage, yard, lot coverage and height  
11 shall be as specified in Section 28-4-1(h), Table of Dimensional  
12 Regulations, of this ordinance, for uses in the Industrial (IN) District.  
13
- 14 (5) Buildings or structures within that portion of the Opportunity Corridor  
15 Performance (OCP) District, which lies easterly of Storrs Street between  
16 Loudon Road and an easterly extension of Hills Avenue, or which lies  
17 northerly of MacCoy and Merrimack Streets, may exceed the maximum  
18 height restrictions as specified in Section 28-4-1(h), Table of Dimensional  
19 Regulations, of this ordinance upon the granting of a conditional use  
20 permit pursuant to Section 28-9-4(b), Conditional Use Permits, of this  
21 ordinance, and approval in accordance with Section 28-9-4(f),  
22 Architectural Design Review, of this ordinance. An applicant for a  
23 conditional use permit shall provide adequate documentation in order for  
24 the Planning Board to make a finding that the proposed additional height  
25 of the appurtenant structure meets the following conditions:

26 **SECTION V:** Amend the CODE OF ORDINANCES, Title VI, Zoning Code; Chapter 28, Zoning  
27 Ordinance; Article 28-4, Development Design Standards; Section 28-4-5,  
28 Development of Attached and Multifamily Dwellings; Subsection (d),  
29 Development Standards in Districts Other Than Performance Districts, by  
30 amending paragraph (3), Building Dimensions and Separation, as follows:

- 31 (3) *Building Dimensions and Separation.* No buildings shall have a  
32 horizontal dimension, whether length or width, in exceed of one hundred  
33 sixty (160) feet, and all buildings shall comply with the maximum height  
34 as specified in Section 28-4-1(h), Table of Dimensional Regulations, of  
35 this ordinance for the respective districts in which attached or multifamily  
36 dwellings are permitted. There shall be a minimum of forty (40) of  
37 separation between all buildings, and a minimum of fifteen (15) feet of  
38 separation between building and parking lots, except as may be otherwise  
39 allowed by conditional use permit granted pursuant to Section 28-9-4(b),  
40 Conditional Use Permits, of this ordinance.

1 **SECTION VI:** Amend the CODE OF ORDINANCES, Title VI, Zoning Code; Chapter 28, Zoning  
2 Ordinance; Article 28-4, Development Design Standards; Section 28-4-5,  
3 Development of Attached and Multifamily Dwellings; Subsection (d),  
4 Development Standards in Districts Other Than Performance Districts, by  
5 amending paragraph (5), Perimeter Buffer Required, as follows:

6 (5) *Perimeter Buffer Required.* In order than adjacent land uses be visually  
7 and physically separated, a buffer area shall be observed along the  
8 perimeter of a tract or land proposed for development of attached or  
9 multifamily dwellings, and no buildings or parking facilities may be  
10 located within this buffer. The For multifamily dwellings, the minimum  
11 width of the buffer shall be thirty (30) feet for one-story residential  
12 structures, fifty (50) feet for two-story residential structures, and seventy-  
13 five (75) feet for residential structures of three (3) stories or more. For  
14 attached dwellings, the minimum width of the buffer shall be thirty (30)  
15 feet for all residential structures. The Planning Board may permit streets  
16 and utilities to cross through the buffer, provided that such improvements  
17 are compatible with adjacent land uses and do not diminish the purpose of  
18 the buffer. The buffer shall incorporate existing natural features of the  
19 tract to the greatest extent possible. Existing vegetation including  
20 significant large trees shall be preserved, and the Planning Board may  
21 require landscape materials to be integrated with the existing vegetation in  
22 order to provide effective screening on a year-round basis between the  
23 development tract and adjacent land uses.  
24

25 **SECTION VII:** Amend the CODE OF ORDINANCES, Title VI, Zoning Code; Chapter 28, Zoning  
26 Ordinance; Article 28-4, Development Design Standards; Section 28-4-5,  
27 Development of Attached and Multifamily Dwellings; Subsection (i), Parking  
28 Requirements, by adding the following:  
29

30 Notwithstanding any provision in this ordinance to the contrary, the parking  
31 requirements set forth in Article 28-7, Access, Circulation, Parking and Loading;  
32 Section 28-7-2, Off-Street Parking Requirements; Subsections (a), Computation  
33 of Number of Parking Spaces Required, and (e), Table of Off-Street Parking  
34 Requirements, shall not apply to attached or multifamily dwellings in the  
35 Opportunity Corridor Performance (OCP) District. Instead, for those uses, the  
36 Planning Board may issue a conditional use permit in accordance with the  
37 requirements of Section 28-9-4(b), Conditional Use Permits, of this ordinance,  
38 authorization the construction of fewer parking spaces than are required by  
39 Section 28-7-2, Off-Street Parking Requirements, where the Planning Board  
40 finds that the projected parking demand, the presence of public transportation, or  
41 other factors indicate that a lower number of parking spaces will sufficiently  
42 accommodate the parking needs of the principal use.  
43

44 **SECTION VIII:** Amend the CODE OF ORDINANCES, Title VI, Zoning Code; Chapter 28, Zoning  
45 Ordinance; Article 28-4, Development Design Standards; Section 28-4-5,

1 Development of Attached and Multifamily Dwellings; Subsection (m), Access, by  
2 amending paragraphs (1) and (2) as follows:  
3

- 4 (1) Except with respect to multifamily dwellings within the Opportunity  
5 Corridor Performance (OCP) District, Access and egress shall be  
6 provided from more than one local street where deemed necessary by the  
7 Planning Board;
- 8 (2) Where local streets are used for access (except with respect to multifamily  
9 dwellings within the Opportunity Corridor Performance (OCP) District),  
10 the traffic service volume of local streets, which is defined in the Master  
11 Plan as fifteen hundred (1,500) vehicles per day, shall not be exceeded by  
12 the traffic projected to be generated from the development of attached or  
13 multifamily dwellings;

14  
15 **SECTION IX:** Amend the CODE OF ORDINANCES, Title VI, Zoning Code; Chapter 28, Zoning  
16 Ordinance; Article 28-5, Supplemental Standards, by amending Section 28-5-17,  
17 Certain Uses in the Opportunity Corridor Performance (OCP) District, as follows:  
18

19 28-5-17 – Certain Uses in the Opportunity Corridor Performance (OCP) District.  
20

21 (a) Retail trade within the Opportunity Corridor Performance (OCP)  
22 District shall be permitted only on tracts in the following locations:  
23

24 (1) (a) The portion of the OCP District which lies easterly of  
25 Storrs Street between Loudon Road and Water Street;  
26

27 (2) (b) The OCP District on East Street in Penacook; and  
28

29 (3) (c) The OCP District on Foundry Street in East Concord;  
30 and  
31

32 (4) The OCP District on MacCoy and Merrimack Streets in  
33 Penacook.  
34

35 (b) Warehousing, wholesale storage and distribution facilities within  
36 the Opportunity Corridor Performance (OCP) District shall be  
37 permitted only on tracts in the OCP District on MacCoy and  
38 Merrimack Streets in Penacook.  
39

40 (c) Printing and publishing within the Opportunity Corridor  
41 Performance (OCP) District shall be permitted only on tracts in the  
42 OCP District on MacCoy and Merrimack Streets in Penacook.

43 **SECTION X:** Amend the CODE OF ORDINANCES, Title VI, Zoning Code; Chapter 28, Zoning  
44 Ordinance; Article 28-7, Access, Circulation, Parking and Loading; Section 28-7-

1 12, Performance District Standards; subsection (b), Standards for Performance  
2 Districts Other Than the CBP District, by amending paragraph (1) as follows:  
3

- 4 (1) Except as otherwise provided in Article 28-4, Development Design  
5 Standards; Section 28-4-5, Development of Attached and Multifamily  
6 Dwellings; Subsection (i), Parking Requirements, The the parking  
7 requirements of Section 28-7-2(d), Table of Off-Street Parking  
8 Requirements, of this ordinance, must be met for all uses in the Gateway  
9 Performance (GWP), Opportunity Corridor Performance (OCP), Office  
10 Park Performance (OFP), and Civic Performance (CVP) Districts.  
11 Required parking spaces may be provided through the options available  
12 pursuant to Section 28-7-11, Alternative Parking Arrangements, of this  
13 ordinance, or, with respect to attached and multi-family dwellings in the  
14 Opportunity Corridor Performance (OCP) District, pursuant to Section 28-  
15 4-5(i), Parking Requirements, of this ordinance. Required parking spaces  
16 shall be included in the Comprehensive Development Plans (CDPs), of  
17 this ordinance. Once a CDP has been approved, the required parking  
18 spaces may be located on a separate parcel from the principal use in  
19 accordance with the CDP, providing that the parking spaces are  
20 permanently dedicated to the principal use by easement, condominium  
21 declaration, or other similar recordable binding legal agreement.

22 **SECTION XI:** Amend the CODE OF ORDINANCES, Title VI, Zoning Code; Chapter 28, Zoning  
23 Ordinance; Article 28-9, Administration and Enforcement; Section 28-9-4,  
24 Decisions by the Planning Board; subsection (b), Conditional Use Permits;  
25 paragraph 3, Standards of Review; subparagraph a., by adding after the fifth (5<sup>th</sup>)  
26 bullet point the following:

- 27 • 28-4-5(i), Parking Requirements;

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