



CITY OF CONCORD
New Hampshire's Main Street™
Community Development Department

REPORT TO MAYOR AND CITY COUNCIL

From: Timothy J. Thompson, AICP, Assistant Director of Community Development

Date: February 7, 2024

Subject: **Zoning Ordinance Amendments – Casinos/Gaming Facilities**

Recommendation:

1. Set the attached ordinance amending the Code of Ordinances Title IV, Zoning Code; Chapter 28, Article 28-2-4 Allowable Principal and Accessory Uses in Zoning Districts, Article 28-5, Supplemental Standards and Glossary for public hearing on July 8, 2024; and
2. Refer the attached ordinance to the Planning Board for their review and recommendation prior to the City Council public hearing.

Background:

At the direction of City Administration, staff has developed the attached Zoning Ordinance amendments to address the Ordinance's regulatory ambiguity regarding charitable gaming facilities, or "Casinos."

The current Zoning Ordinance has been interpreted to permit such facilities as "Commercial Indoor Recreational Facilities," which are permitted in six different zoning districts in the City. Because casinos/gaming facilities have substantially different development characteristics and impacts, the proposed amendments would create a new use and definition, such that the City can properly regulate the use as appropriate.

The initial ordinance amendment would prohibit casinos/gaming facilities from being located in any zoning district as a principal use, but would permit accessory charitable gaming on a property located in the Urban Commercial (CU), Civic Performance (CVP), Institutional (IS), Industrial (IN), and Urban Transitional (UT) Districts with new supplemental standards. These supplemental standards are intended to allow for occasional (not more than four times per year on a property for a charitable organization) events to take place, but not a full-time casino/gaming operation.

Staff believe such an approach would allow for the City staff and Planning Board to work toward development of appropriate and applicable development regulations for these unique uses, while simultaneously providing some flexibility for these uses to continue during the interim on a limited basis. Additionally, this approach may better position the City to appropriately respond to the

potential findings and recommendations of the Commission to Study the Effect of Recent Changes Made to Charitable Gaming Law, which was recently enacted by NH State Law RSA 284:6-c, as well as potential legislation which may result therefrom. .