



CITY OF CONCORD

REPORT TO MAYOR AND CITY COUNCIL

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

DATE: July 29, 2024

SUBJECT: Proposed **Substitute** Amendment to City Zoning Ordinance Article 28-4-1(g)(2), Development Design Standards and Applicability in Performance Standards (State House Dome Obstructions in the Downtown Central Business and Opportunity Corridor Performance Districts; 80' Height Limit in the “Downtown” Central Business Performance District)

Recommendation:

1. Accept this report; and,
2. Hold a public hearing on the attached **substitute** ordinance amending the Code of Ordinance, Title IV, Zoning Code; Chapter 28, Zoning Ordinance for public hearing on August 12, 2024 to establish provisions to create the opportunity for property owners to secure Conditional Use Permits from the Planning Board relative to maximum height within the Central Business District, as well as obstruction of the State House Dome for properties located within the “Downtown” Central Business and Opportunity Corridor Performance Districts.

Background:

On July 8, 2024, the City Council set proposed amendments to the Zoning Ordinance for public hearing on August 12, 2024.

Discussion:

1. **Substitute Ordinance:** Upon further review, staff is proposing two minor modifications to the original ordinance set for public hearing on August 12, 2024.

First, staff is recommending that the term “State House Dome” be defined in the Zoning Ordinance’s glossary so as to clearly identify those portions of the State House which are subject to the new Conditional Use Permit for dome obstructions.

Under the proposed definition, a conditional use permit shall be required to obstruct those portions of the State House cupola located between the base of the gilded dome to the top of the gilded eagle. Please see graphic below for clarification, as well as that included in the substitute ordinance.

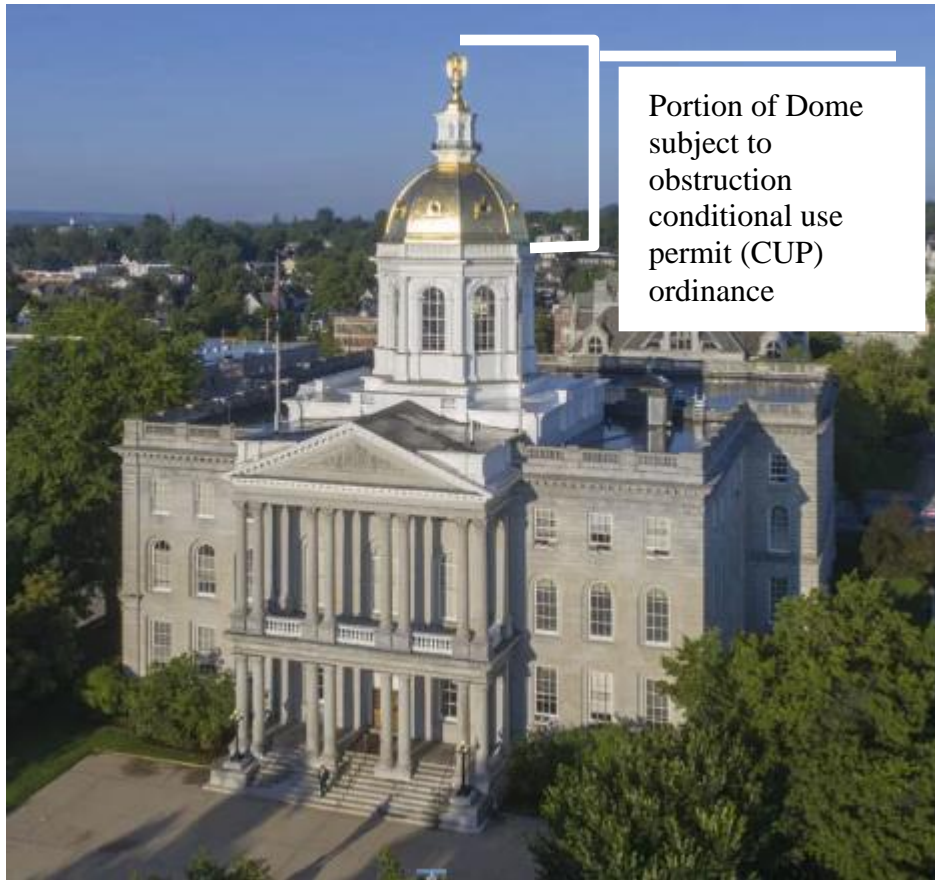


Photo Credit: Lavallee Brensinger Architects <https://lbpa.com/project/state-house-dome-restoration/>

Secondly, the conditional use permit to exceed the 80' height limit in the Central Business Performance District has been modified to remove references to the Opportunity Corridor. This reference is unnecessary and was removed to eliminate potential confusion, as the 90' height conditional use permit ordinance only pertains only to the "Downtown" Central Business Performance District.

All changes in the substitute ordinance have been highlighted in yellow.

2. Planning Board Review: During its review of this item at its April 17th meeting, the Board stated that it concurred with staff analysis of Mr. Ciborowski's request, and recommendations therewith. As such, the Board expressly stated that further review by Planning Board was not required. Nevertheless, staff provided the draft ordinance and related reports which were set for public hearing by the City Council to the Planning Board as part of the Board's July 17th agenda packet. The Planning Board elected to not discuss this item further.