



CITY OF CONCORD

REPORT TO THE MAYOR AND CITY COUNCIL

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

DATE: September 29, 2025

SUBJECT: Ordinance amending the Code of Ordinances, Title IV, Zoning Code, Chapter 28, Zoning Ordinance by amending Article 28-2, Zoning Districts and Allowable Uses, Section 28-2-4(k), Table of Accessory Uses; Article 28-5, Supplemental Standards, Section 28-5-9 Child Day Care Facilities; and the Glossary.

Recommendation:

1. Accept this report; and,
2. Set the attached Ordinance amending the Code of Ordinances, Title IV, Zoning Code, Chapter 28, Zoning Ordinance to amending Article 28-2, Zoning Districts and Allowable Uses, Section 28-2-4(k), Table of Accessory Uses; Article 28-5, Supplemental Standards, Section 28-5-9 Child Day Care Facilities; and the Glossary for public hearing on November 10, 2025.

Background:

In 2024, NH State Law RSA 674:16 was amended by House Bill 1567 (2024). As a result of these statutory amendments, family or group family child care are permitted state-wide as an accessory use to any primary residential use. Additionally, such facilities are expressly exempt from local site plan review in any zone where a primary residential use is permitted.

Discussion:

The City must update its zoning ordinance to be consistent with these statutory changes, and therefore recommends the following amendments to the Zoning Ordinance:

- Amend the accessory use table to allow family-based child day care facilities by right as accessory to any principal residential use in any district;
- Revise the accessory use table to allow non-family-based child day care facilities by special exception in the Open Space Residential, Medium Density Residential, Single Family Residential, Neighborhood Residential, Downtown Residential, High Density Residential, Neighborhood Residential, and Urban Transitional Districts; by right in the Civic Performance and Institutional Districts; as well as prohibit said use in all other districts;

- Revise the definition of child day care facility and add definitions for the types of child day care facilities to be consistent with terms defined in NH State Law RSA 170-E:2 (said statute is attached to this report for reference purposes); and,
- Update the standards set forth within the supplemental standards Section 28-5-9 to be consistent with state statute.

The Planning Board reviewed these proposed amendments on September 17, 2025 and unanimously recommended adoption by the City Council.

Approval of these amendments will bring the Zoning Ordinance into compliance with State Law and will support development of childcare facilities in Concord.