



CITY OF CONCORD

REPORT TO THE MAYOR AND CITY COUNCIL

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

DATE: April 13, 2026

SUBJECT: Zoning Ordinance Amendments – Modifications of supplemental standards for attached and multifamily dwellings

Recommendation:

1. Accept this report; and,
2. Set the attached Ordinance amending the Code of Ordinances, Title IV, Zoning Code; Chapter 28, Zoning Ordinance, Section 28-4-5 Development of Attached and Multifamily Buildings.

Background:

Section 28-4-5 of the Zoning Ordinance establishes standards for the development of attached dwellings and multifamily dwelling. Attached dwellings are a form of multifamily housing where by the units are attached horizontally in a “townhouse” configuration, with each unit having direct access to the exterior of the building. Attached dwellings are a specific land use category within the Zoning Ordinance’s table of uses, and are currently permitted in 10 zoning districts.

Multifamily dwellings are all other forms of multifamily housing which are not “attached” townhomes. Commonly, these units are also referred to as “garden style” units where primary access is through a common hallway. Multifamily buildings may be single or multiple stories. Like attached dwellings, “multifamily dwellings” are also a specific land use category within the Zoning Ordinance’s table of uses, and are currently permitted in 11 zoning districts.

On December 11, 2024, the City was designated a Housing Champion by the State of New Hampshire. Currently, housing is permitted in 15 of the City’s 18 zoning districts (or 95% of the City’s total land area). From 2022-2025, 511 housing units (gross) were constructed. The City has consistently been one of the top housing producers in the State, as chronicled NH Department of Business and Economic Affairs. In October 2025, Realtor.com reported that Concord had the 14th “hottest housing market” in the United States (Nashua-Manchester was ranked #7).

Discussion:

The “Economic and Community Development” section of the City Council’s 2026-2027 City priorities includes the following focus area: *“Remove barriers to commercial and residential development through regulatory and administrative reform.”*

As such, staff is providing the attached proposed zoning amendment to revise standards contained in Section 28-4-5 for attached and multifamily dwellings. If adopted, the attached amendment will:

1. Eliminate prohibitions on maximum horizontal dimensions of attached and multifamily buildings exceeding one hundred sixty (160) feet. This provision creates rigid flexibility in design, which is especially challenging for the conversion and adaptive reuse of larger buildings. As such, terminating this requirement may eliminate potential variances for conversion of existing buildings, or future construction of larger multifamily buildings, thus making the development process more efficient. Although this requirement will be eliminated, the City's design review regulations and Planning Board's architectural design and site plan review processes will continue to ensure that building facades for large attached and multifamily structures include appropriate design elements to create visually interesting buildings which make positive contributions to the City's built environment and architectural character.
2. Eliminate the requirement for minimum forty (40) foot separation between all attached and multifamily buildings, as well as the fifteen (15) foot separation requirement between buildings and parking lots. Although not expressly stated in the amendment, the City will now default to the Building Code or Fire Codes (as applicable) for regulatory requirements regarding any such separations. Additionally, removing these dimensional requirements will provide greater flexibility for the layout of multifamily developments, particularly on tight sites.
3. Establish a Conditional Use Permit to provide flexibility for mandatory 350SF private yard requirements for attached and multifamily dwelling which are not located in performance districts and have direct access to outdoor spaces. Via the Conditional Use Permit option, the Planning Board may reduce, modify, or otherwise waive such requirements. This amendment will provide greater flexibility for design and development of attached and multifamily housing projects.
4. Establish a Conditional Use Permit to provide flexibility for mandatory buffers associated with attached and multifamily developments. Currently, attached and multifamily developments must provide a perimeter buffer along abutting lot lines to create physical and visual separation from adjacent parcels. Parking and structures are not permitted within buffer areas.

Currently, minimum mandatory buffers for attached and multifamily developments are as follows:

- 30' minimum buffer width of for one-story attached or multifamily residential structures;
- 50' minimum buffer for two-story attached or multifamily structures; and,
- 75' for attached or multifamily structures which are 3 stories or taller

Developers seeking relief from such requirements must secure a variance from the Zoning Board of Adjustment.

This amendment will give the Planning Board the flexibility to grant Conditional Uses Permits to allow developers to modify buffers as might be appropriate given

unique site constraints or adjacent land uses abutting an attached or multifamily development. Per the proposed amendment, the Conditional Use Permit will only be granted by the Planning Board when the Board finds that modification of buffer requirements will not have an adverse impact on adjacent properties or residents of the attached or multifamily development.

5. Remove provisions requiring that all multifamily dwelling units within the Central Business Performance (CBP) District be located on or above the second story of a building. (The CBP District covers the Downtown and Penacook Village central business areas).

This is a housekeeping item as, in January 2025 the City Council adopted Ordinance #3175 which modified Section 28-5-48 of the Zoning Ordinance which addresses this exact same issue. (Section 28-5-48 includes supplemental standards for development in the CBP District). Staff notes that the amendments passed in January 2025 amendment allow for ground floor units within the CBP District by Conditional Use Permit. Thus, eliminating this provision in 28-4-5 eliminates potential confusion on this issue.

6. Eliminates provisions requiring that all nonmunicipal utilities (i.e. electric, cable television, telephone, etc.) be installed underground for attached and multifamily developments. Under this current Ordinance, any potential deviation would require a Variance from the Zoning Board of Adjustment. It is unnecessary to include these requirements in the Zoning Ordinance, as such provisions are addressed in other development regulations. Therefore, eliminating the provision will improve the efficiency of the development process.
7. Eliminates mandatory supplemental parking requirements for common facilities (such as pools, playgrounds, club houses, etc.) which are more than 500' from dwelling units. While developers will be free to continue to construct such parking spaces, they will not be required to do so.
8. Provides greater flexibility to the Planning Board regarding the phasing of attached and multifamily development projects and the associated timing for the completion of common recreational facilities.
9. Establishes a Conditional Use Permit for attached and multifamily developments that desire to utilize a local street for access whereby total trips on said street may exceed 1,500 trips per day as a result of the development.

Summary:

These amendments will amend clarify standards for attached and multifamily development, remove conflicts with other municipal regulations, and provide increased flexibility for development of such projects in zoning districts where they are already permitted.



CITY OF CONCORD

REPORT TO THE MAYOR AND CITY COUNCIL

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

DATE: April 13, 2026

SUBJECT: Zoning Ordinance Amendments – Modifications of supplemental standards for conversion of residential buildings to create additional dwelling units

Recommendation:

1. Accept this report; and,
2. Set the attached Ordinance amending the Code of Ordinances, Title IV, Zoning Code, Chapter 28, Zoning Ordinance, Section 28-5-3 Conversion of a Residential Building for public hearing on May 11, 2026.

Background:

Section 28-5-3 of the Zoning Ordinance governs the conversion of existing residential buildings to create between 1-5 dwelling units at a property. Residential conversions are a specific residential use category in the table of uses, which are permitted in 8 zoning districts.

Additionally, 28-5-3 also governs the conversion of nonresidential structures creating between 1-5 dwelling units in 11 zoning districts (6 of which overlap with conversion of residential structures use category). Conversion of nonresidential structures is also a specific residential use category in the table of uses.

On December 11, 2024, the City was designated a Housing Champion by the State of New Hampshire. Currently, housing is permitted in 15 of the City's 18 zoning districts (or 95% of the City's total land area). From 2022-2025, 511 housing units (gross) were constructed. The City has consistently been one of the top housing producers in the State, as chronicled NH Department of Business and Economic Affairs. In October 2025, Realtor.com reported that Concord had the 14th "hottest housing market" in the United States (Nashua-Manchester was ranked #7).

Discussion:

The "Economic and Community Development" section of the City Council's 2026-2027 City priorities includes the following focus area: "*Remove barriers to commercial and residential development through regulatory and administrative reform.*"

As such, staff is providing the attached proposed zoning amendment. If adopted, the attached amendment will:

1. Remove provisions which limit such conversions to buildings constructed prior to 1945;
2. Expressly allow for the conversion of detached accessory structures (in addition to the primary residential building and attached accessory structures);
3. Clarify minimum lot requirements based on total dwelling units which will result at the property (i.e. total number of pre-existing dwelling units, as well as new units resulting from the conversion, combined). The current language in the ordinance is cumbersome and resulted in confusion;
4. Relax limitations on expansion of the floor area of existing structures as part of a conversion (currently capped at 5%) by providing the opportunity to exceed said limit through a conditional use permit;
5. Eliminates minimum dwelling unit sizes required as part of a conversion (i.e. 600SF per one-bedroom unit and 800SF for two-bedroom units; gross floor area); and,
6. Clarifies that conversions must comply with applicable parking requirements set forth in Section 28-7 of the Zoning Ordinance.

Summary:

These amendments will serve to clarify the existing ordinance, thus improve ease of interpretation and administration, as well as help facilitate development of small-scale housing projects (1-5 units) via conversion of existing buildings in zoning districts where such conversions are currently permitted, thus expanding “missing middle” housing opportunities in the City.



CITY OF CONCORD

REPORT TO THE MAYOR AND CITY COUNCIL

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

DATE: April 13, 2026

SUBJECT: Zoning Ordinance Amendments – Modifications pertaining to notice of Zoning Board of Adjustment hearings

Recommendation:

1. Accept this report; and,
2. Set the attached Ordinance amending the Code of Ordinances, Title IV, Zoning Code; Chapter 28, Zoning Ordinance by amending Article 28-9, Administration and Enforcement, by amending Section 28-9-3 Decisions by the Zoning Board of Adjustment, 28-9-3(f)(3) Application Procedure for the ZBA, for public hearing on May 11, 2026.

Background:

Notification of Zoning Board of Adjustment public hearings is governed by NH State Law RSA 676:7, as well as the Section 28-9-3(f)(3) of the Zoning Ordinance. The City's ordinance currently has extra requirements for notice beyond the requirements codified in State Statute.

Discussion:

The "Economic and Community Development" section of the City Council's 2026-2027 City priorities includes the following focus area: *"Remove barriers to commercial and residential development through regulatory and administrative reform."* As such, staff is providing the attached proposed zoning amendment.

If adopted, the attached amendment will modify 28-9-3(f)(3) of the Zoning Ordinance to be consistent with NH RSA 676:7. Specifically, this amendment will allow for the City to issue notice to abutters 5 days prior to hearing (rather than 10 days currently), as well as send notice only to those parties that are defined as an "abutter" by NH RSA 672:3 (thus eliminating the requirement to notify all property owners within 300' of the subject parcel unless they meet the definition of "abutter" as defined by the aforementioned statute). Both changes help to make the notification process more efficient. The amendment also codifies use of "verified mail" as defined by RSA 21:53.

Copies of the aforementioned statutes are attached.

Summary:

These are housekeeping amendments which will align the City's ordinance and processes with State Law.



CITY OF CONCORD

REPORT TO THE MAYOR AND CITY COUNCIL

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

DATE: April 13, 2026

SUBJECT: Zoning Ordinance Amendments – Modifications of definitions for certain types of dwelling units as set forth within the Glossary, as well as elimination of certain supplemental standards for lot area and frontage requirements for duplexes / two-family dwellings

Recommendation:

1. Accept this report; and,
2. Set the attached Ordinance amending the Code of Ordinances, Title IV, Zoning Code, Chapter 28, Zoning Ordinance for public hearing on May 11, 2026, which will implement the following revisions:
 - a. Relocates and revises the definitions of “Accessory Dwelling Unit”, “Attached accessory dwelling unit”, and “Detached accessory dwelling unit” as set forth in the Glossary;
 - b. Clarifies the definition of “Attached Dwelling Unit” as set forth in the Glossary;
 - c. Clarifies the definition of “Two Family Dwelling” as set forth in the Glossary;
 - d. Eliminates supplemental standards pertaining to extra lot size and frontage requirements for Duplexes / Two-Family Dwellings as set forth in Article 28-5-2.

Background:

On October 14, 2025, the City Council adopted Ordinance #3186 which:

- Modified the definition of accessory dwelling unit, added definitions for attached and detached accessory dwelling units;
- Amended the table of accessory uses to make accessory dwelling units permitted by right in all zoning districts where single family detached dwellings are permitted; and,
- Overhauled supplemental standards for accessory dwelling units contained within Article 28-5-52 of the Zoning Ordinance.

These amendments were initiated due to changes to NH State Law RSA 674:71 and 674:72 pertaining to accessory dwelling units, which were enacted in 2025 by the State.

Specifically, adoption of Ordinance #3186 resulted in the following:

- Accessory dwelling units are allowed in 10 of the City’s 18 zoning districts (all districts where single family-detached units are permitted)

- Accessory dwelling units are permitted to be up to 950 square feet in size; however, the Ordinance also allows for the size of ADUs to be increased to 50% of the single-family unit with a maximum cap of 1,250 square feet. (These square footages are more permissive than the 750 square foot minimum set forth in State Law).
- There is no requirement in the City’s ADU ordinance for either the single-family detached dwelling or the accessory unit to be occupied by a property owner. This is also more permissive than State Statute.
- There are no supplemental requirements for increased lot size or frontage requirements for accessory dwelling units, as such requirements are prohibited by NH State Law 674:72.

Presently, Article 28-5-2 of the Zoning Ordinance contains supplemental standards for duplexes / two-family dwellings. In accordance with those standards, properties where duplexes are located must have 150% of the minimum lot area and frontage required in the applicable zoning district.

On December 11, 2024, the City was designated a Housing Champion by the State of New Hampshire. Currently, housing is permitted in 15 of the City’s 18 zoning districts (or 95% of the City’s total land area). From 2022-2025, 511 housing units (gross) were constructed. The City has consistently been one of the top housing producers in the State, as chronicled NH Department of Business and Economic Affairs. In October 2025, Realtor.com reported that Concord had the 14th “hottest housing market” in the United States (Nashua-Manchester was ranked #7).

Discussion:

The “Economic and Community Development” section of the City Council’s 2026-2027 City priorities includes the following focus area: *“Remove barriers to commercial and residential development through regulatory and administrative reform.”*

As such, staff is providing the attached proposed zoning amendment. If adopted, the attached amendment will implement the following:

1. Relocates and amends the definitions of “Accessory Dwelling Unit”, “Attached accessory dwelling unit”, and “detached accessory dwelling unit” as set forth in the Glossary. Specifically, these definitions will be relocated to appear under “Dwelling” in the Glossary (rather than standalone definitions elsewhere in the Glossary), for improved continuity with other definitions, thus improving ease of ordinance interpretation;
2. Modifies the definition of “attached dwelling” to clarify that “attached units” are multifamily buildings which contain 3 or more dwelling units. This will improve coordination with Article 28-4-5 (development of attached and multifamily dwellings), and eliminate definitional confusion regarding attached units vis-à-vis duplexes / two-family dwellings. Also, further clarifies the definition by adding the term “townhouse”, which will improve continuity with other City Ordinances and regulations.
3. Modifies the definition of “two-family dwelling”. Removes the concept of “detached” two-family units from the definition, and adds language to distinguish two-family dwellings from properties with accessory dwelling units.
4. Revises supplemental standards set forth in Article 28-5-2 for Duplex / Two-Family Dwellings by removing requirements for duplexes to be located on lots that have 150% of the minimum lot area and 150% of the frontage for said zoning districts.

Presently, duplexes are permitted in 8 zoning districts. Coincidentally, accessory dwelling units are permitted in the same 8 districts as duplexes. In light of the City's recently adopted accessory dwelling unit ordinance which permits large accessory units (950-1,250 square feet), does not require owner occupancy of any of the units, and does not require extra lot area or frontage standards beyond minimum requirements in said districts, it is the opinion of staff that continuing to require extra lot area and frontage requirements for duplexes is no longer appropriate.

As such, the attached amendment eliminates the 150% lot area and frontage requirements for duplexes.

Requirements for minimum lot area for duplexes in a performance district are maintained to be consistent with the RD District (which requires 7,500SF lot area with 5,000SF buildable area). Staff notes that duplexes are only permitted in one performance district [the Civic Performance District (CVP)]. The CVP does not have a minimum lot size; hence use of the RD District lot size for duplexes. Additionally, maintaining this provision keeps continuity with Article 28-5-3 and 28-5-7 of the Zoning Ordinance, which pertain to conversion of existing structures for the purposes of creating dwelling units.

Summary:

Eliminating the existing supplemental lot area and frontage requirements for duplexes is appropriate given the recently adopted changes to the accessory dwelling unit standards.

These proposed amendments will eliminate confusion and improve ease of interpretation of the zoning ordinance, as well as facilitate development of duplexes in the 8 zoning districts where they are already permitted, thus expanding "missing middle" housing opportunities in the City.