

CITY OF CONCORD

In the year of our Lord two thousand and twenty-five

AN ORDINANCE amending the CODE OF ORDINANCES, Title IV, Zoning Code; Chapter 28, Zoning Ordinance

The City of Concord ordains as follows:

SECTION I: Amend the CODE OF ORDINANCES, Title IV, Zoning Codes; Chapter 28, Zoning Ordinance by amending Article 28-2, Zoning Districts and Allowable Uses, as follows:

28-2-4 Allowable Principal and Accessory Uses in Zoning Districts.

- (a) *Uses Permitted by Right.* A use denoted by the letter "P" within a zoning district, as set forth in Section 28-2-4(j), Table of Principal Uses, and Section 28-2-4(k), Table of Accessory Uses, of this ordinance, is a use permitted by right in that district, subject to all other applicable sections of this ordinance and other local, state, and federal laws, rules and regulations.
- (b) *Uses Permitted by Special Exception.* A use denoted by the letters "SE" within a zoning district, as set forth in Section 28-2-4(j), Table of Principal Uses, and Section 28-2-4(k), Table of Accessory Uses, of this ordinance, is a use which may be authorized by special exception in that district, subject to all other conditions of approval as specified in this ordinance. The Board of Adjustment may grant special exceptions in accordance with the procedures and conditions set forth in Section 28-9-3, Decisions by the Board of Adjustment, of this ordinance, subject to all other applicable sections of this ordinance and other local, state, and federal laws, rules and regulations.
- (c) *Uses Permitted by Conditional Use Permit.* A use denoted by the letters "CU" within a zoning district, as set forth in Section 28-2-4(j), Table of Principal Uses, and Section 28-2-4(k), Table of Accessory Uses, of this ordinance, is a use which may be authorized by a conditional use permit in that district, subject to all other conditions of approval for such as specified in this ordinance. The Planning Board may grant a conditional use permit in accordance with the procedures and conditions set forth in Section 28-9-4, Decisions by the Planning Board, of this ordinance, subject to all other applicable sections of this ordinance and other local, state, and federal laws, rules and regulations.
- (d) *Uses Not Permitted.* A use denoted by a dashed line (—) within a zoning district, as set forth in Section 28-2-4(j), Table of Principal Uses, and Section 28-2-4(k), Table of Accessory Uses, of this ordinance, is a use which is not permitted in that district.
- (e) *Administrative Classification of Uses Not Specified or Changes in Use.*
 - (1) In the event that a proposed use is not specified in the Section 28-2-4(j), Table of Principal Uses, or Section 28-2-4(k), Table of Accessory Uses, of this ordinance, or where a change is proposed from a permitted use to another use, the Deputy City Manager for Development, or their designee is authorized to render a decision on the

classification of said use. Any determination involving a nonconforming use shall be made pursuant to Article 28-8, Nonconforming Lots, Uses, and Structures, of this ordinance.

- (2) In reaching a decision on the classification of a use, the Deputy City Manager for Development, or their designee shall consider the similarity of the proposed use to other uses included in the Table of Principal Uses and the Table of Accessory Uses, in terms of the characteristics, function, or the intensity of the use. The ***Deputy City Manager for Development, or their designee***, ~~Code Administrator~~ may also consider the similarity of a proposed nonresidential use to the hierarchy of nonresidential uses as developed by the U. S. Department of Labor, Standard Industrial Classification (SIC) system.
- (3) The Deputy City Manager for Development, or their designee, shall render a decision which indicates an administrative classification of the proposed use or change in use, and that said use is either a use which is permitted by right; or is a use which requires a special exception, conditional use permit, or other approval; or is a use which is not permitted under this ordinance.
- (4) Appeals of any such determination of an administrative classification shall require an appeal to the ***Zoning*** Board of Adjustment under the procedures set forth in Section 28-9-3, Decisions by the ***Zoning*** Board of Adjustment (***ZBA***), of this ordinance.
- (5) A change in use from one nonconforming use to another nonconforming use shall require a special exception from the ***Zoning*** Board of Adjustment, subject to the review criteria established in Article 28-8, Nonconforming Lots, Uses and Structures, of this ordinance.
- (h) ~~*Multiple Principal Uses on a Single Lot. For all nonresidential uses, and for residential uses including three (3) or more dwelling units, multiple principal uses may be established on a single lot to the extent that such uses are authorized within Section 28-2-4(j), Table of Principal Uses, of this ordinance, for the district in which the lot is located. More than one single family dwelling may be located on a single lot only pursuant to Section 28-4-7, Cluster Development, of this ordinance. More than one single family dwelling and more than one two-family dwelling may be located on a single lot only pursuant to Section 28-4-8, Planned Unit Development, of this ordinance. More than one manufactured home may be located on a single lot only pursuant to Section 28-4-6(g), Development Standards for a Manufactured Housing Park, of this ordinance. The establishment of multiple principal uses shall be subject to all the requirements of this ordinance as they pertain to each individual use, including applicable development design and supplemental standards for each use, and to the granting of special exceptions or conditional use permits if such are required.*~~
 - (1) ***Nonresidential Uses: Multiple principal nonresidential uses may be established on a single lot to the extent that such uses are permitted by right, special exception, or conditional use permit within Section 28-2-4(j), Table of Principal Uses, of this ordinance, for the district in which the lot is located. The establishment of multiple principal nonresidential uses on a single lot shall be subject to all the requirements of this ordinance as they pertain to each individual use, including applicable development design and supplemental standards for each use, and to the granting of special exceptions or conditional use permits if such are required.***

- (2) *Mixed Use: Multiple principal uses limited to multifamily residential uses and nonresidential uses may be established on a single lot to the extent that such comingled uses are permitted by right, special exception, or conditional use permit within Section 28-2-4(j), Table of Principal Uses, of this ordinance, for the district in which the lot is located. The establishment of multiple principal mixed uses on a single lot shall be subject to all the requirements of this ordinance as they pertain to each individual use, including applicable development design and supplemental standards for each use, and to the granting of special exceptions or conditional use permits if such are required.*
- (3) *Residential Uses: Multiple principal residential uses may be established on a single lot to the extent that such uses are permitted by right, special exception, or conditional use permit within Section 28-2-4(j), Table of Principal Uses, of this ordinance, for the district in which the lot is located and only to the extent that:*
- a. More than one single-family dwelling may be located on a single lot only pursuant to Section 28-4-7, Cluster Development, of this ordinance;*
 - b. More than one single-family dwelling and more than one two-family dwelling may be located on a single lot only pursuant to Section 28-4-8, Planned Unit Development, of this ordinance;*
 - c. More than one duplex may be located on a single lot only pursuant to Section 28-4-8, Planned Unit Development, of this ordinance;*
 - d. More than one manufactured home may be located on a single lot only pursuant to Section 28-4-6(g), Development Standards for a Manufactured Housing Park, of this ordinance.*

The establishment of multiple principal residential uses on a single lot shall be subject to all the requirements of this ordinance as they pertain to each individual use, including applicable development design and supplemental standards for each use, and to the granting of special exceptions or conditional use permits if such are required.

- (k) *Table of Accessory Uses.*

TABLE OF ACCESSORY USES

		BASE DISTRICTS																		DEVELOPMENT DESIGN and SUPPLEMENTAL STANDARDS
		Residential						Commercial				Performance					Other			
	ACCESSORY USES	open space	medium density	single family	neighborhood	down-tow n	high den sty	neighborh d	ge nrl	urban	h w y	cent rl bus nss	gate wy	opp rty corr dr	offi ce par k	civ ic	insti tl	ind ust	urban tran stl	
Use #	Use Category and Descripti on	RO	RM	RS	RN	RD	RH	CN	CG	CU	CH	CB P	GW P	OC P	OF P	C VP	IS	IN	UT	
A	ACCESSORY TO A PRINCIPAL RESIDENTIAL USE																			
1	Child day care facility <i>Family day care facility or Family group day care facility</i>	SEP	SEP	SEP	SEP	SEP	SEP	SEP	- P	- P	- P	- P	- P	- P	- P	P	P	- P	SEP	Section 28-5-9
13	Accessory Dwelling Unit	SEP	SEP	SEP	SEP	SEP	SEP	SEP								SEP	SEP		SEP	Section 28-5-52

SECTION II: This ordinance shall take effect on adoption.

Explanation: Matter removed from the current ordinance appears in [~~struck through~~.]
New items are shown in ***bold italic*** font.

CITY OF CONCORD

In the year of our Lord two thousand and twenty-five

AN ORDINANCE amending the CODE OF ORDINANCES, Title IV, Zoning Code; Chapter 28, Zoning Ordinance

The City of Concord ordains as follows:

SECTION I: Amend the CODE OF ORDINANCES, Title IV, Zoning Codes; Chapter 28, Zoning Ordinance by amending Article 28-4, Development Design Standards, as follows:

28-4-3 Wetland Buffers and Setbacks.

(a) *Buffers Established.*

- (1) Buffers are hereby established around and encircling all wetlands other than those that are smaller than three thousand (3,000) square feet or those that were created as sedimentation/detention basins, agricultural/irrigation ponds, or roadside drainage ditches.
- (2) The minimum width of the wetland buffers shall be fifty (50) feet horizontal distance as measured outward from the perimeter edge of the wetland. Wherever a permit to fill a wetland has been issued by either the New Hampshire Department of Environmental Services (NHDES) or the U.S. Army Corps of Engineers (USACOE), the perimeter of the wetland shall be deemed to be the new edge between the fill as placed in accordance with the permit and the remaining wetland. All other wetland edges shall be determined by a wetland scientist using a methodology consistent with N.H. Administrative Rules Wt 100-800, and in accordance with the "Corps of Engineers Wetlands Delineation Manual" (1987), and the "Field Indicators for Identifying Hydric Soils in New England" (New England Interstate Water Pollution Control Commission [NEIWPC], 1998).
- (3) Certain marshes and open water wetlands may be subject to additional buffer requirements in accordance with Section 28-3-3, Shoreland Protection (SP) District, of this ordinance.

(b) *Natural Conditions to be Maintained Within **Wetland Buffers.*** Unless allowed pursuant to a state or federal permit, or a conditional use permit granted under the terms of this Section, every wetland buffer, and all existing vegetation contained therein, shall be retained and maintained in its natural condition. Where wetland buffer disturbance is allowed pursuant to a state or federal permit, or a conditional use permit, revegetation of the disturbed area with native species is required.

(c) *Certain Uses Prohibited in **Wetland Buffers.*** The following uses and activities are prohibited within a wetland buffer:

- (1) The erection or construction of a building or structure, or the construction of parking lots or loading areas, except where otherwise allowed by a state or federal permit and

- the granting of a conditional use permit pursuant to Section 28-4-3(d), Conditional Use Permits Required for Certain Disturbance of Buffers, of this ordinance;
- (2) The establishment or expansion of salt storage, junk yards, resource recovery facilities, transfer stations, landfills, or solid or hazardous waste facilities;
 - (3) The bulk storage of chemicals, petroleum products, or toxic and hazardous materials;
 - (4) The dumping or disposal of snow and ice collected from roadways and parking lots;
 - (5) New agricultural operations pursuant to Section 28-2-4(j), Table of Principal Uses, of this ordinance;
 - (6) Timber harvesting, except as conducted in accordance with the terms and provisions of RSA 227-J, Timber Harvesting; and
 - (7) The removal of vegetation, the recontouring or grading of the land, or the placement of impervious surfaces except as may otherwise be allowed by a state or federal permit and the granting of a conditional use permit pursuant to Section 28-4-2(d) of this ordinance.
- (d) *Conditional Use Permits Required for Certain Disturbance of Wetland Buffers.* The Planning Board may grant a conditional use permit allowing the disturbance of a **wetland** buffer in conjunction with construction or installation of roads, utilities (***including underground utilities and utility poles***), and drainage improvements and/or other uses which require the placement of impervious surfaces, and the draining, dredging, filling, recontouring, or grading of the land within the **wetland** buffer, ***or the erection or construction of a building or structure, or the construction of parking lots or loading areas***. In granting a permit, the Planning Board may attach conditions to the permit including, but not limited to, requirements for more extensive **wetland** buffers, additional plantings in areas to be revegetated, and a reduction in the extent of impervious surfaces within the **wetland** buffer. In addition to the requirements of Section 28-9-4(b), Conditional Use Permits, of this ordinance, an applicant for a permit shall provide adequate documentation in order for the Planning Board to make a finding that the proposed disturbance of the **wetland** buffer meets the following conditions:
- (1) The disturbance of the **wetland** buffer is necessary to the establishment of an allowable principal or accessory use on the buildable land area of the lot;
 - (2) The proposed disturbance to the **wetland** buffer cannot practicably be located otherwise on the lot to eliminate or reduce the impact to the **wetland** buffer and represents the minimum extent of disturbance necessary to achieve the reasonable use of those portions of the lot consisting of buildable land;
 - (3) The proposed disturbance to the **wetland** buffer minimizes the environmental impact to the abutting wetland, and to downstream property and hydrologically connected water and wetland resources;

SECTION II: Amend the CODE OF ORDINANCES, Title IV, Zoning Codes; Chapter 28, Zoning Ordinance by amending Article 28-4, Development Design Standards, as follows:

28-4-5 Development of Attached and Multifamily Dwellings.

- (a) *Purpose.* It is the purpose of these regulations to provide suitable living environments in developments of attached and multifamily dwellings, including multifamily dwellings for the elderly; to provide diversity in housing location, type, and tenure; and to ~~insure~~ ***ensure*** the compatibility of such developments with other existing adjacent development.

SECTION III: This ordinance shall take effect on adoption.

Explanation: Matter removed from the current ordinance appears in [~~struck through~~.]
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AN ORDINANCE amending the CODE OF ORDINANCES, Title IV, Zoning Code; Chapter 28, Zoning Ordinance

The City of Concord ordains as follows:

SECTION I: Amend the CODE OF ORDINANCES, Title IV, Zoning Codes; Chapter 28, Zoning Ordinance by amending Article 28-5, Supplemental Standards, by deleting Section 28-5-2 in its entirety.

~~28-5-2 Duplex or Two-Family Dwelling.~~

~~In any district where permitted, a duplex or two-family dwelling shall be placed on a lot that shall be of a minimum size and have a minimum frontage that is at least one and one-half (1½) times the minimum lot size and one and one-half (1½) times the minimum frontage as specified in Section 28-4-1(h), Table of Dimensional Regulations, of this ordinance, for that district. Where a two-family dwelling is permitted in a Performance District, the lot size and frontage shall be the same as for a two-family dwelling in a Downtown Residential (RD) District.~~

SECTION II: This ordinance shall take effect on adoption.

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AN ORDINANCE amending the CODE OF ORDINANCES, Title IV, Zoning Code; Chapter 28, Zoning Ordinance

The City of Concord ordains as follows:

SECTION I: Amend the CODE OF ORDINANCES, Title IV, Zoning Codes; Chapter 28, Zoning Ordinance by amending the Glossary as follows:

Child Day Care Facility. As defined in RSA 170-E:2, Definitions. ~~A facility and related services for children who are twelve (12) years of age or younger, provided by a child day care agency as defined in RSA 170-E:2, Definitions.~~

Child day care. As defined in RSA 170-E:2 Definitions, means the care and supervision of a child away from the child's home and apart from the child's parents.

Child day care agency. As defined in RSA 170-E:2 Definitions, means any person, corporation, partnership, voluntary association or other organization, either established for profit or otherwise, which regularly receives for child day care one or more children, unrelated to the operator or staff of the agency. The total number of hours in which a child may remain in child day care shall not exceed 13 hours per day, except in emergencies, or situations when the parents or guardians are working over 13 hours during a 24-hour period, or parents or guardians are deployed during the weekend by the military. The types of child day care agencies are defined as follows:

(a) Family day care. As defined in RSA 170-E:2 means an occupied residence in which child day care is provided for less than 24 hours per day, except in emergencies, for up to 6 children from one or more unrelated families. The 6 children shall include any foster children residing in the home and all children who are related to the caregiver except children who are 10 years of age or older. In addition to the 6 children, up to 3 children attending a full day school program may also be cared for up to 5 hours per day on school days and all-day during school holidays, provided that the after school and holiday increase in capacity is permitted by the state fire code and in compliance with any local ordinance.

(b) Family group day care. As defined in RSA 170-E:2 means an occupied residence in which child day care is provided for less than 24 hours per day, except in emergencies, for 7 to 12 children from one or more unrelated families. The 12 children shall include all children related to the caregiver and any foster children residing in the home, except children who are 10 years of age or older. In addition to the 12 children, up to 5 children attending a full day school program may also be cared for up to 5 hours per day on school days and all-day during school holidays,

provided that the after school and holiday increase in capacity is permitted by the state fire code and in compliance with any local ordinance.

(c) Group child day care center. As defined in RSA 170-E:2 Definitions, means a child day care agency in which child day care is provided for preschool children and up to 5 school-age children, whether or not the service is known as day nursery, nursery school, kindergarten, cooperative, child development center, day care center, center for the developmentally disabled, progressive school, Montessori school, or by any other name.

(d) Infant and toddler program. Means a child day care agency in which child day care is provided for any part of a day, for 5 or more children under the age of 3 years.

(e) "Small group child day care center" as defined in RSA 170-E:2 Definitions, means a child day-care agency in which child day care is provided for not more than 12 preschool children, whether or not the service is known as day nursery, nursery school, kindergarten, cooperative, child development center, day-care center, center for the developmentally disabled, progressive school, Montessori school, or by any other name.

SECTION II: Amend the CODE OF ORDINANCES, Title IV, Zoning Codes; Chapter 28, Zoning Ordinance by amending Article 28-5, Supplemental Standards, by amending Section 28-5-9 Child Day Care Facilities as follows:

28-5-9 Child Day Care Facilities.

All child care facilities shall comply with the requirements of this section as well as the provisions of RSA 170-E, Child Day Care, Residential Care, and Child-placing Agencies *and all associated regulations.*

(b) *As an Accessory Use to a **Primary Residential Use.** Family day care and group family day care facilities shall be allowed as an accessory use to any primary residential use and shall not be subject to local site plan review regulations in any zone where a residential use is permitted. Family day care and group family day care facilities, shall be subject to the following standards and requirements:*

- (1) The **family day care or group family day care facility** is subordinate to **the primary residential use**; ~~a single-family detached dwelling~~;*
- (2) ~~The maximum capacity of a child day care facility shall be twelve (12) children;~~ A family day care facility may have up to six (6) children from one or more unrelated families. The six (6) children shall include any foster children residing in the home and all children who are related to the caregiver except children who are ten (10) years of age or older. In addition to the six (6) children, up to three (3) children attending a full day school program may also be cared for up to five (5) hours per day on school days and all-day during school holidays, provided that the after school and holiday increase in capacity is permitted by the state fire code.*

- (3) *A family group day care facility may provide for seven (7) to twelve (12) children from one or more unrelated families. The twelve (12) children shall include all children related to the caregiver and any foster children residing in the home, except children who are ten (10) years of age or older. In addition to the twelve (12) children, up to five (5) children attending a full day school program may also be cared for up to five (5) hours per day on school days and all-day during school holidays, provided that the after school and holiday increase in capacity is permitted by the state fire code.*
- (4) *All requirements for family day care and group family day care facilities as adopted in the rules of the New Hampshire Department of Health and Human Services (HE-C 4002) shall be met.*
- (3) ~~Unless a conditional use permit has otherwise been granted by the Planning Board pursuant to Section 28-9-4 (b) of this ordinance, a child day care facility providing care for six (6) or more children shall be located on a lot which conforms to the minimum dimensional standards established in Section 28-4-1(h), Table of Dimensional Regulations, of this ordinance;~~
- (4) A dwelling within which *a family day care or group family day care facility* is located shall be served by the municipal sewer system, or a certificate shall be obtained from the New Hampshire Department of Environmental Services (NHDES)-Water Division (WD) indicating that the on-site subsurface disposal system has adequate capacity and is functioning properly to allow for use by the *family day care or group family day care facility* ~~child care facility~~ in addition to the *primary residential use; and*
- (5) Parking for the *family day care or group family day care facility* and any other principal uses located at the lot complies with Section 18 of the Site Plan Regulations, unless otherwise waived by the Planning Board, Article 28-7, Access, Circulation, Parking and Loading Requirements, of this ordinance;
- (6) Unless a conditional use permit has otherwise been granted by the Planning Board pursuant to Section 28-9-4 (b) of this ordinance, the facility is located on a street on which on-street parking is allowed within two hundred (200) feet of the premises and the street is of a width and capacity such that on-street parking will not represent a safety hazard; and
- (7) ~~Unless a conditional use permit has otherwise been granted by the Planning Board pursuant to Section 28-9-4 (b) of this ordinance, outdoor activity areas for child day care facilities shall not be located in the front yard and shall be enclosed by a solid fence not less than four (4) feet in height which shall be erected and maintained in good condition around the outdoor activity area.~~
- (c) *As an Accessory Use to a Principal Nonresidential Use.* Child day care facilities accessory to, and for the primary use and benefit of the owners and employees of, a principal nonresidential use shall be subject to the following standards and requirements:

- (1) All child day care facilities shall be served by municipal water and sewer systems. The water service shall be adequate for both domestic use and fire protection;
- (2) Where the child day care facility is located in a separate building more than five hundred (500) feet from the building in which the principal nonresidential use is located, parking shall be provided for the child day care facility in accordance with Section 28-7-2(e), Table of Off-street Parking Requirements, of this ordinance, in addition to the parking required for the principal nonresidential use; and

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AN ORDINANCE amending the CODE OF ORDINANCES, Title IV, Zoning Code; Chapter 28, Zoning Ordinance

The City of Concord ordains as follows:

SECTION I: Amend the CODE OF ORDINANCES, Title IV, Zoning Codes; Chapter 28, Zoning Ordinance by amending Article 28-5, Supplemental Standards, by amending Section 28-5-32 Accessory Buildings and Facilities as follows:

28-5-32 Accessory Buildings and Facilities.

Accessory buildings, including but not limited to toolsheds and greenhouses, and accessory facilities, including but not limited to swimming pools, ***non-portable standby generators, basketball courts,*** tennis courts, or on-site consumption solar collection systems, shall be located in the side or rear yard of a lot. Where compliance cannot be achieved with these standards ~~for solar collection systems~~, the Planning Board may grant a conditional use permit pursuant to Section 28-9-4(b) of this Ordinance. The required side or rear yards as specified in Section 28-4-1(h), Table of Dimensional Regulations, of this ordinance, may be reduced to a minimum of five (5) feet for accessory buildings and accessory facilities provided ~~that they are located more than fifty (50) feet from any street and that~~ accessory buildings shall be detached one-story structures which shall not exceed twelve (12) feet in height or two hundred fifty (250) square feet in gross floor area ~~of encroachment into the setback.~~

The required side or rear yard setbacks may be reduced to a minimum of five (5) feet for on-site consumption solar collection systems provided that the panels do not exceed nine (9) feet in height or two hundred fifty (250) square feet ***in total area of solar land coverage*** ~~encroachment into the setback~~, and are screened from adjacent properties in accordance with the requirements of Section 28-5-53(d).

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The City of Concord ordains as follows:

SECTION I: Amend the CODE OF ORDINANCES, Title IV, Zoning Codes; Chapter 28, Zoning Ordinance by amending Article 28-5, Supplemental Standards, by amending Section 28-5-40 Fences, Walls and Hedges as follows:

28-5-40 Fences, Walls and Hedges.

The following regulations shall apply to fences, walls and hedges:

- (a) *At Corners and Intersections.* Except in the Central Business Performance (CBP) District, no fence, wall, **retaining wall**, hedge, or planting shall be erected, placed, planted or allowed to grow on a corner lot so as to materially impede vision between a height of two and one-half (2½) and eight (8) feet above curb grades in the area bounded by the street lines of such corner lot and a line joining points along said street lines thirty (30) feet from the point of their intersection;
- (b) **Spite Fences.** No person shall erect or maintain in any district any fence, wall, or hedge in violation of RSA 476, Spite Fences.
- (c) **Height.** ~~In all Residential Districts, f~~Fences, walls, **retaining walls**, and hedges shall not exceed:
 - (1) Four (4) feet in height in any front yard; and
 - (2) Eight (8) feet in height in any side or rear yard; and **excepting that:**
 - (3) **Fences, walls, retaining walls, or hedges greater than four (4) feet in height in any required front yard setback shall be permitted upon approval of conditional use permit by the Planning Board pursuant to Section 28-9-4(b) of this ordinance; and**
 - (4) **Fences, walls, retaining walls, or hedges greater than eight (8) feet in height in any required side or rear yard setback shall be permitted upon approval of conditional use permit by the Planning Board pursuant to Section 28-9-4(b) of this ordinance.**
- ~~(c)~~(d) **Use of Barbed or Other Sharp Wire.** In any district except the Industrial (IN) and Open Space Residential (RO) Districts, barbed wire shall not be used, included, or incorporated within six (6) feet of the ground on any fence that adjoins or is adjacent to any street or any property line. Razorwire, or other similar wire with sharp edges is prohibited in the City of Concord.

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SECTION I: Amend the CODE OF ORDINANCES, Title IV, Zoning Codes; Chapter 28, Zoning Ordinance by amending the Glossary as follows:

Accessory Dwelling Unit (ADU). A secondary attached or detached residential unit that is used in conjunction with, and that is subordinate and accessory to, a single-family detached dwelling which provides independent living facilities for one or more persons, including indoor, permanent provisions for sleeping, eating, cooking, and sanitation within the unit and separate from the single-family detached dwelling and being on the same lot as the single-family dwelling it accompanies. ~~A residential living unit that is within or attached to a single-family detached dwelling, and that provides independent living facilities for one or more persons, including provisions for sleeping, eating, cooking, and sanitation on the same parcel of land as the principal dwelling unit it accompanies. A single-family detached dwelling with an ADU shall constitute two (2) dwelling units as defined in this Zoning Ordinance.~~

SECTION II: Amend the CODE OF ORDINANCES, Title IV, Zoning Codes; Chapter 28, Zoning Ordinance by amending Article 28-5, Supplemental Standards, by amending Section 28-5-52 Single-Family Dwellings with One (1) Accessory Dwelling Unit as follows:

28-5-52. Accessory Dwelling Units (ADUs).

- (a) Purpose.** *The purpose of this section is to regulate the development of accessory dwelling units (ADUs) by providing reasonable opportunities to develop accessory dwelling units as an accessory use to single family dwelling units to expand the housing supply while protecting community and neighborhood character, public health, and safety. Unless otherwise required by NH RSA 674:72 or NH RSA 674:73, the standards set forth herein shall govern accessory dwelling units.*
- (b) Accessory dwelling units are permitted by right in all zoning districts that permit single-family detached dwellings by right.** *Accessory dwelling units may only be established as an accessory use to a single family detached dwelling unit.*
- (c) One accessory dwelling unit shall be allowed per lot without additional requirements for lot size, frontage, space limitations, or other controls beyond what would be required for a single-family detached dwelling without an accessory dwelling unit.**

- (d) *One accessory dwelling unit may be established as an accessory use to a single-family detached dwelling. The single-family detached dwelling shall be the only principal use on the lot.*
- (e) *An accessory dwelling unit may only be established on a lot where a single-family detached dwelling already exists, or the single-family detached dwelling will otherwise be constructed simultaneously with the accessory dwelling unit.*
- (f) *No more than one accessory dwelling shall be permitted per lot.*
- (g) *The accessory dwelling unit may be attached or detached from the single-family detached dwelling unit.*
- (h) *An interior door shall be provided between the single-family detached dwelling unit and the accessory dwelling unit if the accessory dwelling unit is attached. There are no requirements in this ordinance for the locking or unlocking of that door.*
- (i) *All regulations applicable to single-family detached dwellings shall also apply to the combination of a principal dwelling unit and an accessory dwelling unit including but not limited to lot coverage standards and minimum yard setback requirements.*
- (j) *Water and Sewer:*
 - a. *On-site Water and Septic Systems: For those accessory dwelling units which are located at lots served by private on-site wells and private on-site septic systems, the applicant shall make adequate provisions for water supply and sewage disposal for the accessory dwelling unit in accordance with RSA 485-A:38; however, separate systems shall not be required for the principal and accessory dwelling units.*
 - b. *Public Water and Sewer: For those accessory dwelling units which shall be served by municipal water and/or municipal sewer, said accessory units shall be connected to these systems in accordance with applicable City regulations.*
- (k) *Property owners shall occupy one of the dwelling units, but there is no specification of which one, and property owners shall demonstrate that one of the units is their principal place of residence.*
- (l) *The accessory dwelling unit shall not be smaller than 750 square feet or larger than 1,000 square feet.*
- (m) *There is no requirement for a familial relationship between the occupants of an accessory dwelling and the occupants of a principal dwelling unit.*
- (n) *An accessory dwelling unit may be deemed a unit of workforce housing for purposes of satisfying Concord's obligation under RSA 674:59 if the unit meets the criteria in RSA 784:58, IV for rental units.*
- (o) *In addition to the off-street parking requirement for a single-family detached dwelling, a minimum of one off-street parking space for the accessory dwelling unit shall be required.*
- (p) *Address and Mail. The single-family detached dwelling and the ADU shall each have a separate and distinct address and mail receptacle.*

~~28-5-52. Single-Family Detached Dwellings with One (1) Accessory Dwelling Unit (ADU).~~

- ~~(a) *Purpose.* The purpose of this section is to regulate the development of single-family detached dwellings to accommodate the addition of no more than one accessory dwelling unit (ADU) through conversion of existing single-family detached dwellings, expansion of existing single-family detached dwellings and new construction of single-family detached dwellings not located in a cluster development.~~
- ~~(b) In accordance with this Zoning Ordinance, any existing single-family detached dwelling and attached accessory structures may be converted, or expanded to include no more than one ADU.~~
- ~~(c) In accordance with this Zoning Ordinance, a new single-family detached dwelling may be constructed with no more than one ADU.~~
- ~~(d) The maximum gross floor area of an ADU shall not be greater than seven hundred fifty (750) square feet and the minimum shall not be less than six hundred (600) square feet.~~
- ~~(e) An ADU shall have no more than two (2) bedrooms.~~
- ~~(f) In all zoning districts, ADUs developed in accordance with this zoning ordinance, shall have a common wall between the single-family detached dwelling and the ADU, and a minimum of one interior door connecting habitable living space of the dwelling units.~~
- ~~(g) *Minimum Lot Size.* For the conversion or construction of a single-family detached dwelling with an ADU, the building shall be located on a lot which meets the requirement for the minimum lot size, as specified in Section 28-4-1(h), Table of Dimensional Regulations, of this Zoning Ordinance, for the district in which the lot is located.~~
- ~~(h) *Other Dimensional Requirements.* The development of a single-family detached dwelling with an ADU under this Zoning Ordinance shall comply with all other minimum dimensional requirements, including frontage, yards, lot coverage, and building height, as specified in Section 28-4-1(h), Table of Dimensional Regulations, of this Zoning Ordinance, for the district in which the lot is located. Where an existing building is nonconforming with respect to one or more of the minimum yard requirements, the expansion or conversion may occur provided that there is no increase in the extent of nonconformity.~~
- ~~(i) *Development Design Guidelines.* Any development of a single-family detached dwelling with an ADU requiring a building permit for exterior modifications shall be subject to Development Design Guidelines and Review in accordance with Section 28-9-4(f), Architectural Design Review, of this ordinance.~~
- ~~(j) *Ownership and Occupancy.* The owner of a single-family detached dwelling with an ADU shall provide documentation showing that either the single-family detached dwelling or the ADU is his or her principal place of residence. "Principal Place of Residence" means the housing unit, and related structures such as an unattached garage or woodshed, which is the person's principal home, and which the person in good faith regards as home to the exclusion of any other places where the person may temporarily live. "Residence" shall exclude attached dwelling units and unattached structures used or intended for commercial or other nonresidential purposes. Concord officials may require documentation of showing~~

~~that either the single-family detached dwelling or the ADU is the property owner's principal place of residence once every three (3) years or whenever ownership of the single-family detached dwelling changes.~~

~~(k) An ADU may only be occupied as a principal place of residence in accordance with this Zoning Ordinance.~~

~~(l) A single family detached dwelling with an ADU shall not be converted to a condominium form of ownership.~~

~~(m) *Parking.* All single-family detached dwellings with an ADU must provide a minimum of two (2) parking spaces plus one additional space for each bedroom within the ADU.~~

~~(n) *Address and Mail.* All single-family detached dwellings with an ADU shall have a separate and distinct address and mail receptacle.~~

~~(Ord. No. 2979, § III, 5-8-17)~~

~~-SECTION III:~~ This ordinance shall take effect on adoption.

Explanation: Matter removed from the current ordinance appears in ~~[struck through.]~~
New items are shown in ***bold italic*** font

CITY OF CONCORD

In the year of our Lord two thousand and twenty-five

AN ORDINANCE amending the CODE OF ORDINANCES, Title IV, Zoning Code; Chapter 28, Zoning Ordinance

The City of Concord ordains as follows:

SECTION I: Amend the CODE OF ORDINANCES, Title IV, Zoning Codes; Chapter 28, Zoning Ordinance by amending the Glossary as follows:

Signs. The following definitions relate to Article 28-6, Sign Regulations, of this ordinance

- ~~(a) *Building Frontage.* The length along the side or sides of the primary floor facing a street, which is occupied by a separate and distinct principal use.~~
- (a) *Flag.*** Any fabric containing distinctive colors, patterns, or symbols, and used as a symbol of a government or political subdivision thereof.
- (b) *Mural.*** Any mosaic, painting, pictorial, graphic art, digital or electronic projection, or combination thereof which is professionally applied to the exterior of a building which does not contain any brand name, product name, letters of the alphabet spelling or abbreviating the name of any product, company, profession, or business, or any logo, trademark, trade name, or other commercial message. Murals depict images of nature or landscapes, or items or events of social, cultural, or historic significance, or other designs or abstract images intended to beautify and add visual interest to the community and shall have no message associated with commercial activities occurring at the property where the mural is located. Murals shall not depict or display graphic images of nudity, or include images or copy with references to specified sexual activities, whether actual or simulated, or specified anatomical areas, or instruments, devices, or paraphernalia which are designed for use in connection with specified sexual activities.
- (c) *Nonconforming Sign.*** Any sign which lawfully existed at the time this ordinance became effective but which does not conform with the sign regulations in Article 28-6 of this ordinance.
- (d) *Primary Floor.*** The floor of a building or structure which is directly accessed from the adjacent public street through the main or principal entrance to the building or structure. Any floor at an elevation within five and one-half (5½) feet of the elevation of the principal entrance, and occupied by a separate and distinct principal use, shall be considered to be a primary floor.
- (e) *Sign.*** Any device that **has a visual display where any portion of said visual display is visible** ~~is sufficiently visible from any public street or highway right-of-way to persons not located on the lot where such a device is located,~~ and designed to **identify, announce, direct, or inform.** ~~attract the attention of such persons or communicate information to~~

~~them about products, accommodations, services, or activities on the lot where the device is located.~~

- (1) *Sign, Awning.* A sign that is a part of, or attached to an awning, a canopy, or other fabric, plastic, or structural protective cover over a door, window, or outdoor service area.
- (2) *Sign, Banner.* A sign of lightweight fabric or similar material that is mounted to poles or the wall of a building. A flag, as defined in this ordinance, is not a banner sign.
- (3) *Sign, Building.* Any sign that is attached or affixed to a building including wall signs, projecting signs, awning signs, marquee signs, roof signs, and window signs.
- (4) *Sign, Building Marker.* Any sign indicating the name of a building and/or the date and incidental information about the construction of the building, and which sign is made part of, or permanently integrated into, the materials from which the building is constructed.
- (5) *Sign, Electronic Message Center.* A sign or portion of a sign, that displays an electronic image or video, which may include text, including any sign or portion of a sign that uses lights or similar form of electronic display such as LED to form a sign message or messages with text and or images wherein the sequence of messages or the rate of change is electronically programmed or can be modified by electronic processes. This definition includes without limitation television screens, plasma screens, digital screens, flat screens, LED displays, video boards, and holographic displays.
- (6) *Sign, Environmentally Activated.* An animated sign or device motivated by wind, thermal changes, or other natural environmental input. Includes spinners, pinwheels, pennant strings, and/or other devices or displays that respond to naturally occurring external motivation.
- (7) *Sign, Freestanding.* A self-supporting sign, the supports of which are permanently anchored in the ground and are independent from any building.
- (8) *Sign, Ghost. A deteriorated, historic sign that was painted directly onto a building located within the Central Business Performance District or Opportunity Corridor Performance District for which the subject matter of the sign, of the associated use for which the sign was installed, were discontinued at the property prior to 1970.*
- (9) *Sign, Marquee.* Any sign attached to or in any manner made part of a permanent roof-like structure projecting beyond the wall of a building.
- (10) *Sign, Mechanical Scrolling.* A sign utilizing track or roller mounted alpha-numeric copy that is changed by mechanically-driven means and is non-digital.
- (11) *Sign, Monument.* A type of freestanding sign for which the sign, its supports, and base are a monolithic structure.

- (12) *Sign, Pennant.* Any lightweight plastic, fabric or similar material, whether or not containing a message of any kind, suspended from a rope, wire, or other material, usually in a series, designed to move in the wind.
- (13) *Sign, Portable.* Any sign not permanently attached to the ground or other permanent structure, or a sign designed to be transported.
- (14) *Sign, Programmed.* A sign capable of displaying changing content without the need for direct and immediate manual input.
- (15) *Sign, Projecting.* Any sign affixed to a building with the plane of the sign at an angle to the plane of the wall of the building
- (16) *Sign, Roof.* Any sign erected and constructed wholly on and over the roof of a building and supported by the roof structure.
- (17) *Sign, Temporary.* A sign that is used in connection with a circumstance, situation, or event that is designed, intended, or expected to take place or to be completed within a reasonably short or definite period of time after the erection of the sign; or a sign that is intended to remain on the location where it is erected or placed for a reasonably short or definite period of time after the erection of the sign. If the sign display area is permanent but the message displayed is subject to periodic changes, that sign shall not be regarded as a temporary sign.
- (18) *Sign, Wall.* A sign attached to, or erected against the wall of a building with the face of the sign in a parallel plane to the plane of the building wall, and projecting no more than fourteen (14) inches from the building wall.
- (19) *Sign, Window.* Any sign that is placed inside or upon the window panes or glass, and that is visible from the exterior of the building or structure.

SECTION II: Amend the CODE OF ORDINANCES, Title IV, Zoning Codes; Chapter 28, Zoning Ordinance by amending Article 28-6, Sign Regulations, as follows:

28-6-1 Purposes of Sign Regulations.

The purposes of these sign regulations are to:

- (a) Encourage the effective use of signs as a means of communication in the City of Concord;
- (b) Maintain and enhance the appearance and aesthetic environment of the City, particularly in downtown Concord and Penacook, and along the highway corridors leading into the City, ***and within Performance Zoning Districts;***
- (c) Retain the City's ability to attract and encourage economic development and growth;
- (d) Improve pedestrian and traffic safety;
- (e) Minimize potential adverse effects of signs on nearby public and private property; and
- (f) Enable fair and consistent enforcement of these sign regulations.

28-6-2 Permit Required for Signs.

- (a) Except as otherwise provided in this article, no sign may be erected, placed, replaced, moved, enlarged, or substantially altered in the City of Concord without ***an approved sign*** permit in accordance with the provisions of this ordinance. ~~No permit shall be issued until a Master Signage Plan is filed pursuant to Section 28-6-5, Master Signage Plan, with the City of Concord for the parcel on which a permit is being sought. A permit application and fee shall be submitted to the Deputy City Manager for Development, or their designee, together with a set of plans at an appropriate scale, together with architectural elevations or photographs, showing the location, size, colors, copy, method of illumination, and materials proposed for said sign. The Deputy City Manager for Development, or their designee, shall review the permit application, refer it for action to the appropriate Board or Committee if required by the provisions of this ordinance, or otherwise act to approve or deny it. If approval for development of the parcel on which a sign is to be located is required pursuant to the Site Plan Review Regulations in accordance with Section 28-9-4(b), Site Plan Review, of this ordinance, said site plan approval is inclusive of all signs proposed on the premises and must be received from the Planning Board prior to issuance of any permit for a sign on the premises. Other sign approvals are required pursuant to Section 28-6-9(f), Requirements for Architectural Design Review, and Section 28-3-4, Historic (HI) District, of this ordinance. In addition to the requirements of this ordinance, the terms and conditions of the issuance and expiration of sign permits are those imposed by the Building Code, and the Electrical Code.~~
- (b) *Applications for sign permits shall be submitted to the Planning Division of the Community Development Department which contains the following:*
- a. All required application fee(s).*
 - b. An accurate plan of the lot, drawn to scale, showing the location of buildings, parking lots, driveways, and landscaped areas;*
 - c. Photographs or architectural elevations of existing buildings, and colored renderings of exterior building elevations of any proposed buildings;*
 - d. An accurate indication on the plan, photographs, and architectural elevations of the location of all existing signs;*
 - e. An accurate inventory of all signs existing at the lot, together with photograph and description of each existing sign detailing the sign type, size (square footage) colors, copy, font, height above ground, materials, and method of illumination.*
 - f. An accurate indication on the plan, photographs, and architectural elevations of the location of proposed signs, or other potential future signs to be addressed as part of subsequent sign permit applications, for which applications for permits will be submitted.*

- g. *Scaled design plans and specifications for all proposed signage, together with a summary detailing the sign type, size (square footage), colors, copy, font, height above ground, materials, and method of illumination.*
- (c) *Upon receipt of a completed application, the Deputy City Manager for Development, or their designee, shall review the permit application, refer it for action to the appropriate Board or Committee if required by the provisions of this ordinance, or otherwise act to approve or deny it. If approval for development of the parcel on which a sign is to be located is required pursuant to the Site Plan Review Regulations in accordance with Section 28-9-4(b), Site Plan Review, of this ordinance, said site plan approval is inclusive of all signs proposed on the premises and must be received from the Planning Board prior to issuance of any permit for a sign on the premises. Where a sign application is included in the approval of a development pursuant to the Site Plan Review Regulations in accordance with Section 28-9-4(b), Conditional Use Permits, of this ordinance, any subsequent proposed change in the design of signs, or any subsequent proposed increase in the number or size of signs shall be subject to review and approval in the same manner as the original signage application. Other sign approvals are required pursuant to Section 28-6-9(f), Requirements for Architectural Design Review, and Section 28-3-4, Historic (HI) District, of this ordinance. In addition to the requirements of this ordinance, the terms and conditions of the issuance and expiration of sign permits are those imposed by the Building Code, and the Electrical Code.*
- (d) *A sign permit shall not be issued if the application reveals that the total existing sign area on a lot, or the total existing sign area for an individual principal use on a lot is in excess of the sign area standards contained in this ordinance. If the total existing sign area on a lot or for an individual principal use on a lot is reduced so as to comply with the sign area standards, then additional sign permits may be issued, provided that the lot or the individual principal use on a lot remains in compliance with the sign area standards at all times.*

28-6-3 Signs Allowed and Exempted from Sign Permit Requirements.

The following signs are exempt from the **sign** permit requirements of Section 28-6-2 of this Article, but are subject to the standards contained herein. Any failure to comply with these standards and any other provisions of this Article shall be considered a violation of this ordinance:

- (a) Signs not exceeding two (2) square feet in area that are customarily associated with a principal residential use and that are not of a commercial nature, including nameplate signs indicating property identification names or the numbers or names of occupants, and signs posted on private property relating to private parking or warning the public against trespassing or danger from animals;
- (b) Signs erected by or on behalf of or pursuant to the authorization of a governmental body, including legal notices, identification and informational signs, and traffic, directional, or regulatory signs;
- (c) Official signs of a noncommercial nature erected by public utilities;

- (d) Flags of any governmental organization when not displayed in connection with a commercial promotion or as an advertising device;
- (e) Incidental signs relative to parking spaces, loading spaces, stacking lanes, entry and exit drives, direction of traffic flow, and pedestrian ways on private property that do not exceed four (4) square feet each;
- (f) One sign per lot containing the message that the real estate on which the sign is located (including buildings) is for sale, lease, or rent, together with information identifying the owner or agent. Such signs shall not be illuminated and shall not exceed four (4) square feet in area in residential districts or thirty-two (32) square feet in area in nonresidential districts, and shall be removed immediately after sale, lease, or rental;
- (g) Construction site identification signs. Such signs shall not be illuminated, and may identify the project, the owner or developer, architect, engineer, contractor and subcontractors, funding sources, and may contain information related to sale or leasing of the premises. Such signs shall not exceed thirty-two (32) square feet in area, shall not be erected prior to the issuance of a building permit, and shall be removed upon discontinuance of construction or within thirty (30) days after the issuance of the Certificate of Occupancy, whichever occurs first;
- (h) Signs attached temporarily to the interior of a building window or glass door. Such signs, individually or collectively, may not cover more than thirty (30) percent of the surface area of the transparent portion of the window or door to which they are attached. Such signs shall be removed within thirty (30) days after placement;
- (i) Displays, including lighting, erected in connection with the observance of holidays. Such signs shall be removed within ten (10) days following the ***date of the holiday being observed;*** ~~holidays;~~
- (j) Signs erected in connection with elections or political campaigns pursuant to RSA 664:14-17-a, Political Advertising, ~~subject to the following conditions:~~
 - ~~(1) Such signs are permitted no sooner than forty-five (45) days prior to an election and must be removed within ten (10) days of the closing of the polls;~~
 - ~~(2) Such signs shall not exceed twenty (20) square feet in area; and~~
 - ~~(3) Such signs shall not be painted, or pasted on the exterior of a building, or placed or affixed in any manner on public property or within street rights-of-way.~~
- (k) One banner sign per property that does not exceed four (4) square feet in area;
- (l) Building marker signs, and historic marker signs that do not exceed four (4) square feet in area;
- (m) Signs that are recognized as contributing to the National Register status of a property; and
- (n) Banners displaying an "Open" or "Sale" message, provided that only one of said banners shall be permitted per principal use, that the size of said banner shall be no greater than three (3) feet by five (5) feet, that the banner shall be flown only during the hours when the principal use is open for business, and that the height of any pole or support for said banner shall not exceed fifteen (15) feet.

- (o) *Murals.*
- (p) *In districts where a drive-through facility is allowed, up to 2 signs related to the drive-through component, provided that each sign is less than 12 square feet in size and the content is not legible from any street or any property other than the lot on which the sign is located.*
- (q) *Signs on gasoline pumps or on similar machines and devices used for the sale or dispensing of products provided they are not legible from a street or any other property other than the lot on which the sign is located, or they consist entirely of letters, numerals, or symbols that are less than four inches in height.*

28-6-4 Design, Construction, and Maintenance of Signs.

All signs shall be designed, constructed, and maintained in accordance with the requirements of this ordinance, the Building Code, and the Electrical Code. Except for portable signs, banner signs, and pennant signs, all signs shall be constructed of permanent materials and shall be permanently attached to the ground, a building, or other structure.

28-6-5 Master Signage Plan.

For those lots located within the Central Business Performance District, Civic Performance District, Gateway Performance District, Office Park Performance District, and Opportunity Corridor Performance Districts, applicants for a sign permit shall, in addition to those requirements set forth in 28-6-2 (b), submit a master sign plan for lot. The purpose of the master sign plan is to ensure that all signage at the lot is well coordinated, integrated with building architecture and lighting, and employs a universal theme and design vocabulary with respect to the size, shape, materials, and placement of all signage at a lot. Master Sign Plans shall be reviewed by the Architectural Design Review Committee, and approved by the Planning Board in accordance with Section 28-9-4, d of this Ordinance.

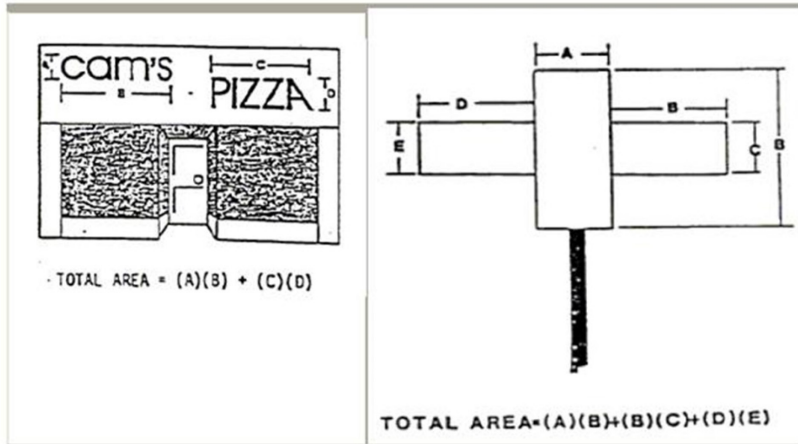
~~A permit shall not be issued for an individual sign requiring a permit unless and until a Master Signage Plan for the lot on which the sign will be erected has been submitted. A sign permit shall not be issued if the Master Signage Plan reveals that the total existing sign area on a lot, or the total existing sign area for an individual principal use on a lot is in excess of the sign area standards contained in this ordinance. If the total existing sign area on a lot or for an individual principal use on a lot is reduced so as to comply with the sign area standards, then additional sign permits may be issued, provided that the lot or the individual principal use on a lot remains in compliance with the sign area standards at all times. Where a Master Signage Plan is included in the approval of a development pursuant to the Site Plan Review Regulations in accordance with Section 28-9-4(b), Site Plan Review, of this ordinance, any subsequent proposed change in the design of signs, or any subsequent proposed increase in the number or size of signs shall be subject to review and approval in the same manner as the original Master Signage Plan. A Master Signage Plan may be phased where the development for which the Plan is submitted is to be phased. Subsequent phases of a Master Signage Plan shall be subject to review and approval in the same manner as the original phase of the Master Signage Plan. The Master Signage Plan shall contain the following:~~

- ~~(a) An accurate plan of the lot, to scale, showing the location of buildings, parking lots, driveways, and landscaped areas;~~
- ~~(b) Photographs or architectural elevations of existing buildings, and elevations of any proposed buildings;~~
- ~~(c) An accurate indication on the plan, photographs, and architectural elevations of the location of all existing signs;~~
- ~~(d) A photograph and description of each existing sign including type, size, colors, copy, height above ground, materials, and method of illumination; and~~
- ~~(e) An accurate indication on the plan, photographs, and architectural elevations of the location of proposed or future signs for which applications for permits will be submitted, and a description and depiction of the type, size, colors, copy, height above ground, materials, and method of illumination.~~

28-6-6 Sign Area and Height Computations.

- (a) *Computation of Area of Individual Signs.* The area of a sign shall be the surface area of the sign, which shall be considered to include all lettering or elements of a sign, **and** accompanying designs and symbols, ~~together with the background, whether open or closed, on which they are displayed,~~ but not including any supporting framework and bracing which are incidental to the display itself and which are not designed to attract attention. Where a sign consists of letters or symbols affixed to a surface or building, ***or lacks a distinguishing border, the area of the sign is computed by calculating the area encompassed within the smallest rectangle, or rectangles, that enclose the sign (excluding the sign structure and structural supports).*** ~~without any distinguishing border, panel or background, the area of the sign shall be considered to be the smallest rectangle or shape which encompasses all of the letters and symbols.~~ ***When the sign is broken into multiple sign faces, the rectangle shall be placed around each individual part for calculating the area of that part, and then adding the sum of the parts, to reach the overall sign area. See Figure 1, Sign Area Measurements, below.*** The area of one side of a double- faced sign shall be regarded as the total area of the sign provided that such sign faces are either parallel or at an angle of thirty (30) degrees or less to each other, and are part of the same sign structure, and not more than forty-two (42) inches apart at any point.

Figure 1: Sign Area Measurements



- (b) *Computation of Height of a Freestanding Sign.* The height of a sign shall be computed as the distance from the base of the sign at normal grade to the top of the highest attached component of the sign. Normal grade shall be construed to be the lower of the following:
- (1) The existing grades of the lot before construction, or
 - (2) The newly established grade of the lot after construction exclusive of any filling, berming, mounding, or excavating solely for the purpose of locating the sign.

28-6-7 Signs Prohibited Under This Ordinance.

All signs not expressly permitted under Sections 28-6-8 and 28-6-9 of this ordinance, or signs not expressly exempt from *sign* permit requirements under Section 28-6-3 of this ordinance, are prohibited in the City of Concord. Such signs include but are not limited to the following:

- (a) Programmed or environmentally activated signs which physically or visually move, rotate or create an illusion of movement, or which have parts or surfaces that physically or visually move, rotate or create the illusion of movement or which emit audible sound or noise;
- (b) Beacons, *strobes*, or any light with one or more beams directed into the atmosphere or directed at one or more points not on the same lot as the light source;
- (c) Pennants, inflated signs, and tethered balloons;
- (d) Signs painted directly on the exterior surface of a building, ***unless a conditional use permit has otherwise been granted by the Planning Board pursuant to Section 28-9-4 (b) of this ordinance. Signage be painted directly onto brick or stone masonry is expressly prohibited and ineligible for a Conditional Use Permit.***
- (e) On corner lots, signs of a height between two and one-half (2½) and eight (8) feet above curb grade in a triangular area bounded by the adjacent street right-of-way lines and a straight line joining points on the right-of-way lines which are thirty (30) feet from the point of intersection of the right-of-way lines, except that the distance from the intersection may be reduced to twenty (20) feet along the right-of-way lines where the intersection of the adjacent streets is controlled by a traffic signal;

- (f) Signs, or any point on a sign, located higher than the roof ridge, the plate of a flat roof, or the highest point of the roof;
- (g) Signs, other than signs erected by or on behalf of a governmental body, that are located in, or on a public right-of-way, ***unless a license is otherwise granted by the City Council;***
- (h) Signs which are or appear to be animated or projected, or which are intermittently or intensely illuminated or have a traveling, tracing, scrolling, automated, or sequential light type, signs which contain or are illuminated by animated or flashing light;
- (i) Wall signs located such that any part thereof covers, obstructs, or is placed over any existing windows on the same wall, or placed above the sills of the first level of windows above the first story on the same wall, or placed more than twenty-five (25) feet above grade, except as may otherwise be allowed where a conditional use permit has been granted by the Planning Board pursuant to Section 28-6-9(a), Permitted Building Signs, of this ordinance;
- (j) Projecting signs that are lower than ten (10) feet or greater than fifteen (15) feet above grade, protrude above the sills of the windows above the first story, project more than five (5) feet from the building, and contain more than twelve (12) square feet of sign area;
- (k) Signs attached to a tree, utility pole, fence, or rock;
- (l) Signs, other than traffic control signs, that use the words "stop", "yield", "caution", and "danger", or that contain red, amber, and green lights that may resemble traffic control signs or lights;
- (m) Billboards and signs unrelated to the principal use or uses of the premises on which the sign is located, except as provided in Section 28-6-9(c)(5), ***except as may otherwise be allowed where a conditional use permit has been granted by the Planning Board;***
- (n) Illuminated signs that direct the illumination onto adjacent streets or onto property other than the premises on which the sign is located;
- (o) Signs that resemble City of Concord street identification signs;
- (p) Signs attached to, or painted on, vehicles or trailers which are parked and visible from a street or limited access highway, except where such vehicles or trailers are regularly and customarily used to transport persons, goods, or materials as part of the principal use of the premises;
- (q) Signs which by reason of position, wording, illumination, size, shape or color that obstruct, impair, obscure, interfere with the view of, or may be confused with, any traffic control sign, signal or device; and
- (r) Electronic message center type signs.
- (s) ***Signs which do not comply with Section 28-5-18, (c), 1 of this Ordinance pertaining to sexually oriented businesses***

28-6-8 Signs Permitted in Residential Districts.

- (a) *Permitted Signs.* The following signs are permitted in residential districts:

- (1) One sign of up to twenty (20) square feet in area for each conforming, principal, nonresidential use. The sign may be a freestanding sign or a building sign provided that there is no more than one freestanding sign per lot;
 - (2) For the purpose of identifying a residential subdivision, multifamily development, or mobile home park of eight (8) units or more, one freestanding sign of up to twenty (20) square feet in area may be placed at an entrance to such residential development;
 - (3) One sign of up to four (4) square feet in area for a use permitted pursuant to Section 28-5-30(c), Major Home Occupation, of this ordinance; and
 - (4) Signs in accordance with Section 28-6-3, Signs Allowed and Exempted from Permit Requirements, of this ordinance.
- (b) *Sign Illumination.* No sign in residential districts may be illuminated from within, but may be illuminated by a shielded external light source. No sign in residential districts may be illuminated between the hours of 9:00 p.m. and 7:00 a.m., except to the extent that a sign is accessory to a permitted nonresidential use, the sign may be illuminated during those hours that such a permitted nonresidential use is open or in operation.
- (c) *Freestanding Signs.* No freestanding sign shall exceed six (6) feet in height, nor shall any freestanding sign be placed any closer to the front lot line than the lesser of ten (10) feet or one-half (½) of the depth of the required front yard as specified in Section 28-4-1(h), Table of Dimensional Regulations, of this ordinance. No freestanding sign shall have a horizontal dimension in excess of ten (10) feet.

28-6-9 Signs Permitted in Nonresidential Districts.

(a) Table of Maximum Sign Dimensions for Nonresidential Districts.

Nonresidential Districts	Building Signs		Freestanding Signs		
	Maximum Sign Area per Building Frontage (sf):		Maximum Sign Area as per Section 28-6-9(c)(1) (sf):		Maximum Height (ft)
	Column 1: Without Architectural Design Review*	Column 2: With Architectural Design Review	Column 1: Without Architectural Design Review*	Column 2: With Architectural Design Review	
CN	20	40**	20	40	10
CG and CH	40	150	40	100	20
CU	40	150	40	60	15
CBP	-	150	-	40	10
GWP	-	200	-	150	20
OCP	-	150	-	100	20
OFP	-	100	-	40	10
CVP	-	40**	-	12	8
IS	20	100	20	40	12
IN	40	100	20	40	12
UT	10	40**	6	12	8

* Where major site plan approval is required pursuant to Section 28-9-4(d), Site Plan Review, of this ordinance, Architectural Design Review is required for all signs regardless of sign area.

**** Applicants may seek conditional use permits pursuant to Section 28-9-4(b), Conditional Use Permits, of this ordinance, to allow for a maximum sign area of 60 square feet in the CN, CVP, and UT Districts.**

(b) *Permitted Building Signs.* The following building signs are permitted in nonresidential districts:

(1) For each building frontage, a maximum of three (3) building signs of any type are permitted provided that: the total area of all signs on any side of a building does not exceed the lesser of the following:

- a. The total area of all signs on any side of a building does not exceed the lesser of the following:
- b. An area equal to one square foot per linear foot of building frontage; or
- c. The maximum area specified in Section 28-6-9(a), Table of Maximum Sign Dimensions for Nonresidential Districts, of this ordinance.

Where the building frontage is on the side of a building which does not contain the principal public entry to the primary floor of a principal use, the side which does contain the principal public entry may be used as building frontage in lieu of said side which does not contain the principal public entry.

- (2) Where a building is three (3) or more stories in height and located in the Central Business Performance District, Opportunity Corridor Performance District, Office Park Performance District, Institutional District, or Industrial District, the Planning Board may grant a conditional use permit pursuant to Section 28-9-4(b), Conditional Use Permits, of this ordinance, to allow one wall sign for each building frontage, to be located between rows of windows or above the top row of windows or on the wall at a height in excess of twenty-five (25) feet above grade, provided that no window or exterior window trim is obstructed by the sign, and further provided that the sign identifies a principal use which is the sole occupant of the building, or the sign identifies the name or address of a building which is occupied by multiple principal uses. A wall sign so permitted by the Planning Board shall be considered to be one of the allowable building signs permitted for a building frontage pursuant to Section 28-6-9(b)(1) and is subject to the area limits specified therein.
- (3) On a lot with multiple principal uses, where buildings are sited such that no side of the primary floor of a principal use faces a street, and therefore there is no building frontage for said principal use, the building frontage for such a principal use shall be measured along a side or sides of the primary floor which face a common parking lot or exterior pedestrian area and which provide a main public entrance to the principal use.
- (4) For principal uses located on upper or lower floors with no building frontage, window signs not exceeding four (4) square feet in total area are permitted as are four (4) square feet of building signs at the ground floor entry door providing access to a single

principal use. When the entry serves more than one use or tenant, one directory sign of up to six (6) square feet may be placed at the entry door.

(c) *Permitted Freestanding Signs.* The following freestanding signs are permitted in nonresidential districts:

- (1) Except as otherwise allowed in this Section, one freestanding sign is permitted per lot. Except as otherwise permitted or restricted in this Section, the maximum height limit of the freestanding sign shall be as specified in Section 28-6-9(a), Table of Maximum Sign Dimensions for Nonresidential Districts, of this ordinance. Where multiple principal uses are located on the same lot, the freestanding sign may be a directory sign on which each principal use may be identified by a sign panel such that the total area of all sign panels does not exceed the maximum area specified herein. The maximum area of the freestanding sign shall not exceed the lesser of the following:
 - a. An area equal to one square foot per linear foot of ~~building~~ **lot** frontage, where the principal use is within a building on the lot; or
 - b. An area equal to one-quarter ($\frac{1}{4}$) square foot per linear foot of lot frontage, where the principal use consists of an outdoor display or storage, or the principal use is not otherwise contained within a building on the lot; or
 - c. The maximum area specified in Section 28-6-9(a), Table of Maximum Sign Dimensions for Nonresidential Districts, of this ordinance.
- (2) No freestanding sign or any part thereof shall be placed closer than five (5) feet to any lot line, or be placed such that the sign interferes with sight distances from any driveway providing access to the lot from the adjacent street, or be located less than fifty (50) feet from the boundary of a residential district.
- (3) No freestanding sign shall have a horizontal dimension in excess of sixteen (16) feet. ***However, subject to the receipt of a conditional use permit pursuant to Section 28-9-4(b), Conditional Use Permits, of this ordinance, the maximum horizontal dimension of a freestanding sign may be increased up to 20' for those freestanding signs located on lots within the Gateway Performance District, General Commercial District, and Highway Commercial Districts, provided said free standing signs comply with the following standards:***
 - a. ***Only one freestanding sign is located at the lot;***
 - b. ***The lot frontage for where the freestanding sign will be located is at least twice the minimum lot frontage required for the zoning district where the lot is located; and,***
 - c. ***Granting of the Conditional Use Permit to exceed the horizontal width limit will not exceed the maximum area specified in Section 28-6-9(a), Table of Maximum Sign Dimensions for Nonresidential Districts unless otherwise permitted within Article 28-6 of this Ordinance.***
- (4) Where there is more than one building on a lot, in lieu of erecting a single freestanding sign on the lot or additional signs pursuant to Section 28-6-9(c)(7), one freestanding sign may be allowed for each building, identifying the building or the principal uses therein, subject to the granting of a conditional use permit by the Planning Board

pursuant to Section 28-9-4(b), Conditional Use Permits, of this ordinance, provided that:

- a. Each freestanding sign shall not exceed the lesser of the maximum height allowed under Section 28-6-9(a) or twenty (20) feet in height;
 - b. Each freestanding sign permitted under this Section shall not exceed the lesser of forty (40) square feet or one square foot per building frontage;
 - c. No freestanding sign permitted under this Section shall be placed closer to another freestanding sign on the same lot than a distance equal to the minimum lot frontage required in the base district; and
 - d. When more than one sign is allowed pursuant to this Section, no sign shall be placed closer to a side or rear lot line than a distance no less than one-half ($\frac{1}{2}$) the required minimum lot frontage for the base district.
- (5) Where a lot shares a driveway with an adjacent parcel, and the shared driveway is located more than fifty (50) feet from the property line of such a lot that has no direct access to the street, then the freestanding sign that is permitted for the lot lacking direct access to the street may, subject to the granting of a conditional use permit by the Planning Board pursuant to Section 28-9-4(b), Conditional Use Permits, of this ordinance, be located off-site and on the adjacent parcel on which the driveway is located, subject to the following conditions:
- a. The off-site freestanding sign shall be located no closer than five (5) feet to the common driveway and on the side of the driveway closest to the lot intended to be identified;
 - b. The off-site freestanding sign shall be located no closer than forty (40) feet to any freestanding sign serving the parcel on which the driveway is located;
 - c. The off-site freestanding sign shall require an easement or agreement between lot owners relative to its placement, a copy of said easement or agreement to be provided to the Planning Board;
 - d. No other freestanding sign shall be placed on the lot lacking direct access except where additional freestanding signs are permitted pursuant to Section 28-6-9(c)(7); and
 - e. If the driveway ceases to be shared, and a new driveway is created such that both lots have direct access to the street, then the freestanding sign for the lot that was formerly lacking direct access shall be removed from the adjacent parcel.
- (6) Where it is proposed that three (3) or more lots share a driveway or driveways entering a street such that the number of driveways is fewer than the number of lots, then a freestanding directory sign may, subject to the granting of a conditional use permit by the Planning Board pursuant to Section 28-9-4(b), Conditional Use Permits, of this ordinance, be located adjacent to each shared driveway, subject to the following conditions:
- a. A master access plan of the driveways proposed to be shared shall be submitted for approval as part of the application for a conditional use permit, and there shall

be no more than two (2) driveway entrances serving up to four (4) lots, or three (3) driveway entrances serving five (5) or more lots;

- b. A freestanding directory sign shall be located no closer than forty (40) feet to any other freestanding sign on any of the lots served by a shared driveway;
 - c. A freestanding directory sign shall require an easement or agreement among the lot owners relative to its placement, a copy of said easement or agreement to be provided as part of the application for a conditional use permit;
 - d. A freestanding directory sign shall be located only adjacent to driveway which is for both entry and exit purposes or for entry purposes exclusively;
 - e. On a freestanding directory sign, one sign panel shall be allowed for each lot to provide direction to the principal uses on that lot. No individual sign panel shall exceed twelve (12) square feet in area. The combined area of all sign panels on a freestanding directory sign shall not exceed the maximum sign area for freestanding signs as specified in Section 28-6-9(a), Table of Maximum Sign Dimensions for Nonresidential Districts, of this ordinance. Where more than one freestanding directory sign is allowed, the total area of each additional freestanding directory sign shall not exceed one-half (½) of the maximum sign area for freestanding signs as specified in Section 28-6-9(a), Table of Maximum Sign Dimensions for Nonresidential Districts, of this ordinance;
 - f. The height of any freestanding directory sign shall not exceed the maximum height for freestanding signs as specified in Section 28-6-9(a), Table of Maximum Sign Dimensions for Nonresidential Districts, of this ordinance.
- (7) In the General Commercial (CG), Gateway Performance (GWP), and the Opportunity Corridor Performance (OCP) Districts, a freestanding sign as permitted in Section 28-6-9(c) (1), of this ordinance, may be allowed at a greater height, and additional freestanding signs may be allowed on a lot, provided that the lot on which the signs are to be located meets the lot size and frontage standards contained in the following table. Where more than one freestanding sign is allowed on a lot, the freestanding signs shall be located at least two hundred fifty (250) feet apart, and a minimum of twenty-five (25) feet from side and rear lot lines and a minimum of fifty (50) feet from a residential district boundary.

Standards for Additional Height and Number of Freestanding Signs in Certain Districts								
District	Required Lot Size (acres)	Required Lot Frontage* (feet)	Freestanding Signs Per Lot					
			#1		#2		#3	
			Maximum Sign Area (sf)	Maximum Height (ft)	Maximum Sign Area (sf)	Maximum Height (ft)	Maximum Sign Area (sf)	Maximum Height (ft)
CG	5	500	as per Section 28-6-9(c)(1)	25	One-half of the area of Sign #1	20	-	-
	10	1,000					One-half of the area of Sign #1	20

OCP, GWP	10	1,000	as per Section 28-6- 9(c)(1)	25	One-half of the area of Sign #1	20	-	-
	20	2,000					One-half of the area of Sign #1	20

* The required lot frontage may be the total of frontages on more than one street.

Where three (3) freestanding signs are allowed on a lot, the lot shall have the minimum frontage, as specified in Section 28-4-1(h), Table of Dimensional Regulations, of this ordinance, on at least two (2) streets.

(d) *Other Permitted Signs.* The following signs other than freestanding and building signs are permitted in nonresidential districts:

- (1) Portable signs not exceeding thirty-two (32) square feet in area shall be allowed provided that only one portable sign shall be placed on a lot at a given time, and no lot shall have portable signs placed upon it for more than a total of forty-five (45) days per calendar year. No portable sign shall be placed without a permit. A new permit shall be required and a new application fee charged for each different sign and for each fifteen-day period for the same sign. Each portable sign application shall specify the date of placement and the date of removal. No portable sign shall be placed within a public right-of-way; and
- (2) Directional Signs: On sites with multiple buildings on a single lot, such as campuses, containing office, institutional or industrial uses, freestanding ***directional*** ~~directory~~ signs may be allowed subject to the granting of a conditional use permit by the Planning Board pursuant to Section 28-9-4(b), Conditional Use Permits, of this ordinance. Such freestanding ***directional*** ~~directory~~ signs shall not exceed twenty-four (24) square feet in area or twelve (12) feet in height. These signs are for directional purposes only, shall bear no advertising, and shall contain only the names of buildings and tenants, and indications of special entrances or available services such as parking, together with directional wording and symbols. The Planning Board may approve a number of such signs that bears a reasonable relation to the number of internal roadway intersections where a turning or identification decision must be made, the number of buildings and entrances to said buildings on the site, and the number of discrete parking facilities on the site. The directional wording and symbols may be modified by the applicant without further approval by the Planning Board provided that the size, placement, colors and shapes remain consistent with the Planning Board's approval. Campus or site identification may be permitted on each sign.
- (3) Signs in accordance with Section 28-6-3, Signs Allowed and Exempted from ***Sign*** Permit Requirements, of this ordinance.
- (4) ***Ghost Signs: Upon receipt of a conditional use permit has been reviewed by the Design Review Committee and approved by the Planning Board pursuant to Section 28-9-4 (b) of this ordinance, a property owner may preserve and restore one or more ghost signs which has been painted onto a building which is located within the Central Business Performance or Opportunity Corridor Performance Districts. The restoration of the ghost sign shall be identical with the Ghost Sign's original design, shall not increase the size of the sign, or otherwise modify copy, font, color, or other***

design details. Ghost Signs shall not be counted against the total number of signs, or total square footage of sign area, permitted at a lot as otherwise set forth in this ordinance.

(e) *Sign Illumination.* Illumination of signs is permitted as follows:

- (1) Signs in the *Neighborhood Commercial (CN)*, Civic Performance (CVP), Institutional (IS), and Urban Transitional (UT) Districts may be externally illuminated by a shielded, ***downward facing fixtures or lighting fixture***, but may not be internally illuminated.
- (2) Signs in the General Commercial (CG), Urban Commercial (CU), Highway Commercial (CH), Central Business Performance (CBP) ~~District~~, ***Gateway Performance (GWP)***, ***Opportunity Corridor (OCP)***, ***Office Park Performance (OFP)***, ***or Industrial (IN) Districts*** may be externally illuminated by a shielded, ***downward facing fixtures or lighting fixture***, or internally illuminated provided the sign background is opaque or a darker color than the message on the sign. Channel letters may be internally lit or back-lit.

(f) *Requirement for Architectural Design Review.* The following signs shall be subject to review by the Design Review Committee and approval by the Planning Board consistent with the requirements of Section 28-9-6, Advisory Recommendations by the Design Review Committee; ***and*** Section 28-9-4, Decisions by the Planning Board; and Section 28-6-5, Master Signage Plan, of this ordinance:

- (1) All signs in the Performance Districts;
- (2) All signs that are part of a development that is subject to ~~major~~ site plan review pursuant to Section 28-9-4(d), Site Plan Review, of this ordinance;
- (3) In nonresidential districts other than Performance Districts, those building signs and freestanding signs that meet the sign area standards specified in Section 28-6-9(a), Table of Maximum Sign Dimensions for Nonresidential Districts, of this ordinance; and
- (4) Any additional freestanding sign on a lot, as allowed pursuant to Section 28-6-9(c)(4) or (7) of this ordinance.

28-6-10 Status of Nonconforming Signs.

~~A sign installed prior to the date of adoption of this ordinance for which a permit has been previously issued, and which is not in conformance with the provisions and requirements of this ordinance, shall be deemed to be a permitted nonconforming sign. Such nonconforming signs shall be subject to the following regulations:~~

- ~~(a) *Alterations.* No nonconforming sign shall be altered in any way in structure or material which makes the sign less in compliance with the requirements of this ordinance than it was before the alteration;~~
- ~~(b) *Relocation.* No nonconforming sign shall be relocated to a position making it less in compliance with the requirements of this ordinance;~~
- ~~(c) *Removal.* If the nonconforming sign is removed, it shall be replaced only with a sign that is in conformance with the provisions of this ordinance; and~~

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- ~~(d) *Destruction and Reconstruction.* Should a nonconforming sign be destroyed by any means to an extent of more than seventy-five (75) percent of its replacement cost at the time of its destruction, it shall not be reconstructed except in conformity with the provisions of this ordinance.~~

A nonconforming sign is any sign which lawfully exists but which does not conform with the sign regulations. Nonconforming permanent signs may continue, subject to the following restrictions:

(a) A nonconforming permanent sign or sign structure shall not be :

- 1. Expanded in size or height that increases the nonconformity; or*
- 2. Relocated.*

(b) A nonconforming permanent sign or sign structure may be maintained or altered, including changing the face and repair, provided that no changes are made that would increase the nonconformity.

- 1. If a nonconforming sign or sign structure is destroyed by any means to an extent of more than seventy-five (75) percent of its replacement cost at the time of its destruction, the sign and/or sign structure shall not be replaced or reconstructed, except in conformity with the provisions of this ordinance, and shall lose its nonconformity and any remaining portions shall be removed.*

28-6-11 Insurance Requirements for Nongovernmental Signs Over a Public Right-of-Way.

~~(a) Any applicant for a permit to locate a projecting sign over a public right-of-way, in accordance with this ordinance, shall file with the Deputy City Manager for Development, or their designee, a certificate of insurance indemnifying the City of Concord against any form of liability in a minimum amount as specified by the Finance Director. No permit shall be issued prior to the receipt of said certificate and the permit shall be valid only so long as the certificate remains in effect. The policy shall provide for advance notification to the Deputy City Manager for Development, or their designee, in the event of cancellation. If the policy should lapse or be canceled, the applicant shall remove the sign immediately.~~

*(a) (b) Signs projecting over a public right-of-way shall be safely and securely affixed to and supported by a building such that no part of the sign **or sign structure** is lower than **ten (10)** ~~nine (9)~~ feet above the sidewalk or if there is no sidewalk, the surface of the right-of-way.*

(b) Any applicant for a sign permit to locate any type of sign or sign structure over a public right-of-way, in accordance with this ordinance, shall procure a license agreement with the City of Concord for such encroachment, and abide by the terms and conditions thereof. No sign permit shall be issued prior to the execution of the license agreement. As part of any license agreement, the applicant shall be required to provide a certificate of insurance indemnifying the City of Concord against any form of liability in a minimum amount as specified by the City Solicitor. No permit shall be issued prior to the receipt of said certificate and the permit shall be valid only so long

as the certificate remains in effect. The policy shall provide for advance notification to the Deputy City Manager for Development, or their designee, in the event of cancellation. If the policy should lapse or be canceled, the applicant shall remove the sign immediately.

28-6-12 Removal of Certain Signs From a Public Right-of-Way or Public Property.

The Deputy City Manager for Development, or their designee, shall cause to be removed any sign placed on or over any public right-of-way or public property that is without a valid permit or is not in compliance with the terms of a valid permit, or where such a sign is exempt from permit requirements, the sign is not in compliance with the standards and provisions of this ordinance.

- (a) ***Political Advertising. The City may remove signs placed in the right-of-way that interfere with the safe flow of traffic or maintenance of the right-of-way. Removal of political advertising shall be consistent with RSA 664: 17, Placement and Removal of Political Advertising, as amended;*** ~~Any political advertising that is placed on or over any public right-of-way or public property in violation of this ordinance or State statutes shall be removed in accordance with RSA 664:17, Placement and Removal of Political Advertising;~~
- (b) ***Signs Related to an Adjacent Principal Use.*** Where a sign that is placed on or over any public right-of-way or public property in violation of this ordinance is related to a principal use of adjacent private property, the Deputy City Manager for Development, or their designee, shall notify the owner of the principal use or the property that a violation exists and shall specify a time limit for removal of the sign. If the owner fails to comply with the order for removal, the Deputy City Manager for Development, or their designee, shall remove the sign and the owner shall be liable for the cost of said removal and subsequent storage. If the owner does not redeem the sign within thirty (30) calendar days from the date that the sign is removed, the sign shall be deemed to be abandoned and may be disposed of by the City as abandoned property; and
- (c) ***Other Signs.*** Where a sign that is placed on or over any public right-of-way or public property in violation of this ordinance is not erected in connection with elections or political campaigns, and is unrelated to a principal use of adjacent private property, the Deputy City Manager for Development, or their designee, shall remove the sign and it shall be deemed to be abandoned and may be disposed of by the City as abandoned property.

SECTION III: This ordinance shall take effect on adoption.

Explanation: Matter removed from the current ordinance appears in [struck through.]
New items are shown in ***bold italic*** font

CITY OF CONCORD

In the year of our Lord two thousand and twenty-five

AN ORDINANCE amending the CODE OF ORDINANCES, Title IV, Zoning Code; Chapter 28, Zoning Ordinance

The City of Concord ordains as follows:

SECTION I: Amend the CODE OF ORDINANCES, Title IV, Zoning Codes; Chapter 28, Zoning Ordinance by amending Article 28-9, Administration and Enforcement, by amending Section 28-9-1 Boards and Departments, as follows:

28-9-1 Boards and Departments.

- (a) *Generally.* Consistent with the Code of Ordinances of the City of Concord and the New Hampshire Revised Statutes Annotated, the City shall establish or designate such boards, commissions, committees, and departments as may be necessary for the administration and enforcement of this ordinance. Such boards and departments shall have the authority, powers, and duties as conferred or imposed by this **ordinance** ~~ordinances~~, the Code of Ordinances, and the New Hampshire RSAs.
- (b) *City Departments.* Among the several City Departments created pursuant to Article 30-2, Municipal Departments, of the Code of Ordinances, the Community Development Department has been assigned primary responsibility for the administration and enforcement of this ordinance.
- (c) *City Boards.* The following City boards, commissions, and committees have been established or designated to have specific administrative powers and duties within this ordinance:
 - (1) *Zoning Board of Adjustment (ZBA).* Pursuant to RSA 673, Local Land Use Boards, a ZBA shall be established, consisting of five (5) members and up to five (5) alternate members, all appointed pursuant Section 30-3-9, Zoning Board of Adjustment, of the Code of Ordinances. Alternate members may fulfill the duties and responsibilities of a regular member when a regular member is disqualified from consideration of a particular application. On an annual basis, the ZBA shall elect a **chairperson** ~~chairman~~ and other officers from among its membership. The ZBA shall adopt, and from time to time amend, rules of procedure for the conduct of its business. The rules of procedure shall establish a regular meeting schedule in order to allow for the expeditious consideration of appeals.
 - (2) *Planning Board.* Pursuant to RSA 673, Local Land Use Boards, and Section 30-3-6, Planning Board, of the Code of Ordinances, a Planning Board has been established consisting of nine (9) members and up to two (2) alternate members, appointed in accordance with said authority. The Planning Board has promulgated and adopted rules of organization and procedure.

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- (3) *Heritage Commission.* Pursuant to RSA 673, Local Land Use Boards, and Section 30-3-11, Heritage Commission, of the Code of Ordinances, a Heritage Commission has been established consisting of seven (7) members, appointed in accordance with said authority. The Heritage Commission was designated to assume the duties of the historic district commission, and has promulgated and adopted rules of organization and procedure.

SECTION II: Amend the CODE OF ORDINANCES, Title IV, Zoning Codes; Chapter 28, Zoning Ordinance by amending Article 28-9, Administration and Enforcement, by amending Section 28-9-3, Decision by the Zoning Board of Adjustment, as follows:

28-9-3 Decisions by the Zoning Board of Adjustment (ZBA).

(c) *Variances.*

- (2) *Requisite Findings.* The ZBA may authorize a variance from this ordinance only where the record supports the following:

- ~~a. — Special circumstances exist such that an unnecessary hardship would be imposed by a literal application and enforcement of the provisions of this ordinance, and the circumstances which create this hardship are that the provisions of this ordinance interfere with the reasonable use of the property considering the unique setting of the property in its environment, that no fair and substantial relationship exists between the general purposes of the ordinance and the specific provisions affecting the property, and that the variance would not injure the public or private rights of others;~~
- ~~b. — The relief sought is the minimum necessary to result in reasonable use of the property;~~
- ~~c. — Authorization of a variance will not be contrary to the public interest;~~
- ~~d. — The spirit of this ordinance shall be observed and substantial justice done in the authorization of a variance; and~~
- ~~e. — No diminution in the value of surrounding properties would be suffered as a result of the authorization of a variance.~~
- a. The variance will not be contrary to the public interest;*
- b. The spirit of the ordinance is observed;*
- c. Substantial justice is done;*
- d. The values of surrounding properties are not diminished; and*
- e. Literal enforcement of the provisions of the ordinance would result in an unnecessary hardship.*

(1) For purposes of subparagraph (e), "unnecessary hardship" means that, owing to special conditions of the property that distinguish it from other properties in the area:

(A) No fair and substantial relationship exists between the general public purposes of the ordinance provision and the specific application of that provision to the property; and

(B) The proposed use is a reasonable one.

(2) If the criteria in subparagraph (1) are not established, an unnecessary hardship will be deemed to exist if, and only if, owing to special conditions of the property that distinguish it from other properties in the area, the property cannot be reasonably used in strict conformance with the ordinance, and a variance is therefore necessary to enable a reasonable use of it.

(3) The definition of "unnecessary hardship" set forth in subparagraphs (1) and (2) shall apply whether the provision of the ordinance from which a variance is sought is a restriction on use, a dimensional or other limitation on a permitted use, or any other requirement of the ordinance.

(3) *Additional Findings Required in the Flood Hazard (FH) District.* Where a variance is requested from the provisions of Section 28-3-2, Flood Hazard (FH) District, of this ordinance, the ZBA may grant a variance as authorized by RSA 674:33, I(b), and in accordance with the following:

- a. The applicant shall have the burden of demonstrating the following criteria in addition to those required under state law and pursuant to Section 28-9-3(c)(2):
 1. The variance will not result in increased flood heights of any magnitude, additional threats to public safety, fraud on or victimization of the public; or extraordinary public expense;
 2. The issuance of the variance will not conflict with other State, Federal or local laws or Ordinances;
 3. If the requested variance is for activity within a floodway, no increase in flood levels during the base flood discharge will result; and
 4. The variance is the minimum necessary, considering the flood hazard, to afford relief.
- b. The Zoning Board of Adjustment shall notify the applicant in writing that:
 1. The issuance of a variance to construct below the base flood elevation will result in increased premium rates for flood insurance up to amounts as high as twenty-five dollars (\$25.00) for one hundred dollars (\$100.00) of insurance coverage; and
 2. Such construction below the base flood elevation increases risks to life and property.
- c. The Zoning Administrator shall maintain a written record of all variance actions, including the justification for their issuance.

(f) *Application Procedure for the ZBA.*

- (1) *Application Fees.* At the time of application, ~~a~~ nonrefundable **application** fees shall be submitted together with the application to cover the costs of the advertising,

notification, and processing of the application. The applicant shall be required to pay for any special investigative studies deemed necessary by the ZBA. Any application that is withdrawn prior to consideration by the ZBA, deemed incomplete by the ZBA, or tabled for further consideration by the ZBA shall ***be voided and shall require submission of a new application and nonrefundable application fees*** ~~require the submission of another nonrefundable fee~~ prior to further consideration of the application by the ZBA. A schedule of application fees is listed in Schedule I of Chapter 1. ~~The fee shall be payable at the Code Administration office at the time the application or appeal is filed. The fees shall include the cost of abutter notification and all other costs of legal notice.~~

- (2) *Application Deadline and Materials.* An application shall be filed at least thirty (30) days before a regularly scheduled meeting of the ZBA. An application to the ZBA shall include a completed application form, ***property owner authorization form(s) if the applicant is other than the property owners***, a list compiled by the applicant of the names and addresses of all abutters and parties entitled to notification, and plans and supplemental information as may be required for the specific type of appeal. The applicant shall submit to the ZBA ~~three (3) copies of~~ a site plan drawn to scale. If, at the public hearing, uncertainty arises as to the location of boundaries or dimensions, the ZBA may require a site plan to be prepared by a licensed surveyor in those instances where the application involves physical changes to the property or to the building or structures thereon such that yard setbacks, property lines, or other dimensional standards are central to the appeal. The certification of the licensed surveyor shall be limited to said dimensions. The site plan shall show the following elements where applicable:
- a. The property lines and adjacent street lines, with an indication of lot size and frontage dimensions;
 - b. The minimum yard setback lines;
 - c. Zoning district boundary lines including applicable overlay districts;
 - d. The location of all existing and proposed buildings, including an indication of points of pedestrian and vehicular entrance to said buildings;
 - e. The location of all existing and proposed parking spaces, including handicapped accessible spaces and stacking spaces, and traffic aisles, with an indication of the direction of traffic flow;
 - f. The location of existing and proposed driveways from the site entering adjacent streets, including the width of such driveways, and the direction of traffic flow;
 - g. The location of existing driveways and street intersections within one hundred fifty (150) feet of the frontages of the lot;
 - h. The location of all existing and proposed service and storage areas including loading spaces, docks, and bays, refuse container loading areas, and areas for outside storage of materials, as well as the location and type of existing and proposed screening of such areas;
 - i. The location and type of existing and proposed utilities and drainage facilities;

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- j. The location and type of existing and proposed recreation areas and facilities;
 - k. The location, extent, and type of any portion of the lot which is not buildable land area; and
 - l. Buildings and structures on immediately adjacent parcels.

In addition, where the application involves a building, or structure, the applicant shall submit ~~three (3) copies~~ of a plan drawn to scale showing the elevations of the building or structure. Where the application involves a sign, the applicant shall submit ~~three (3) copies~~ of a plan drawn to scale showing the sign and its placement on the lot or on a building.

- (3) ***Notification. The appellant and every abutter and holder of conservation, preservation, or agricultural preservation restrictions shall be notified of the hearing by verified mail, as defined in RSA 21:53, stating the time and place of the hearing, and such notice shall be given not less than ten (10) days before the date fixed for the hearing of the appeal. A public notice of the hearing shall be placed in a newspaper of general circulation in the area not less than ten (10) days before the date fixed for the hearing of the appeal. The cost of notice, whether mailed, posted, or published, shall be paid in advance by the applicant. Failure to pay such costs shall constitute valid grounds for the ZBA to terminate further consideration and to deny the appeal without public hearing.*** ~~A notice of a public hearing on an application shall be given not less than ten (10) days before the date of the hearing by certified mail to the applicant, to all immediate abutters, and to holders of conservation, preservation, or agricultural preservation restrictions, and by first class mail to all other owners of property within three hundred (300) feet of the exterior boundary of the property. Where a property is under a condominium form of ownership, notice shall be given to the officers of the association as provided in RSA 356-B, Condominium Act. A public notice shall be posted in two (2) separate and distinct public places, and placed in a newspaper of general circulation in the City of Concord, not less than ten (10) days before the date of the hearing.~~
- (4) ***Public Hearing. The ZBA shall hear all abutters and holders of conservation, preservation, or agricultural preservation restrictions desiring to submit testimony and to all non-abutters who can demonstrate that they are affected directly by the proposal under consideration. The ZBA may hear such other persons as it deems appropriate. Any party may appear in person or by the party's agent or attorney at the hearing of an appeal. If the ZBA finds that it cannot conclude the public hearing within the time available, it may vote to continue the hearing to a specified time and place with no additional notice required. At the public hearing, the ZBA shall hear or receive oral or written testimony from the applicant and all abutters, and any non-abutters who can demonstrate that they are directly affected by the application upon which the hearing is being held. Representations made at the public hearing or material submitted to the ZBA shall be deemed to be conditions of any subsequent decision of the ZBA. The ZBA may convene or reconvene the public hearing at the site of the proposed use in order to permit observations concerning the site to become part of the record of the hearing and decision by the ZBA.***

SECTION III: Amend the CODE OF ORDINANCES, Title IV, Zoning Codes; Chapter 28, Zoning Ordinance by amending Article 28-9, Administration and Enforcement, by amending Section 28-9-4, Decision by the Planning Board, as follows:

28-9-4 Decisions by the Planning Board.

- (a) *Generally.* The Planning Board shall have the power to make the following decisions pursuant to the enabling authority of the indicated statute, as conferred by the cited ordinance:
 - (1) The Planning Board may grant conditional use permits in accordance with the authorization of this ordinance and pursuant to RSA 674:21, Innovative Land Use Controls;
 - (2) The Planning Board has been granted the power to regulate the subdivision of land in accordance with Section 29-1-1, Power to Regulate Subdivisions, of the Code of Ordinances, and pursuant to RSA 674:35, Power to Regulate Subdivisions;
 - (3) The Planning Board has been granted the power to review and approve or disapprove site plans in accordance with this ordinance, with Section 29-1-2, Power to Review Site Plans, of the Code of Ordinances, and pursuant to RSA 674:43, Power to Review Site Plans;
 - (4) The Planning Board shall review and approve or disapprove Comprehensive Development Plans (CDPs) as required in accordance with Section 28-4-1(g)(1) and Section 28-4-5(e) in conjunction with its aforementioned powers to approve or disapprove subdivisions and site plans, as well as in accordance with the authorization of this ordinance and pursuant to RSA 674:21, Innovative Land Use Controls; and
 - (5) The Planning Board shall review and approve or disapprove applications for architectural design review in conjunction with its aforementioned powers to grant conditional use permits and to approve or disapprove site plans, as well as in accordance with the authorization of this ordinance pursuant to RSA 674:21, Innovative Land Use Controls.
- (b) *Conditional Use Permits.* Pursuant to RSA 674:21, Innovative Land Use Controls, wherever a conditional use permit is authorized by this ordinance, the authority to administer or grant conditional use permits shall be vested in the Planning Board.
 - (1) *Application and Review Procedure.* An application for approval of a conditional use permit shall be filed with the Planning Board. The following procedures shall apply to the processing of such application:
 - a. *Procedure if Subdivision or Site Plan Approval Also Required.* Where other development approvals including subdivision or site plan approval by the Planning Board are required for the use for which a conditional use permit is sought, the application and review procedure for a conditional use permit may be made concurrently with the application for subdivision or site plan approval, and in accordance with the procedures specified in the Subdivision Regulations or Site Plan Regulations, as applicable to the particular development.

- b. *Procedure if Subdivision or Site Plan Approval Not Required.* Where no subdivision or site plan approval would otherwise be required for the use for which a conditional use permit is sought, the application and review procedure for conditional use permits shall be in accordance with the requirements of the Site Plan Regulations. ~~with respect to content of applications, requirements for public notice, hearings and timing of decisions by the Planning Board.~~
 - (2) *Burden of Persuasion.* The applicant bears the burden of persuasion, through the introduction of evidence through testimony or otherwise, that the development, as proposed, will comply with this Article and will satisfy the specific requirements for the use contained in this ordinance.
 - (3) *Standards of Review.* In reviewing an application for a conditional use permit, the Planning Board shall consider the following information in its deliberations, as applicable to the case:
 - a. The specific authorization for the conditional use permit in the following sections:
 - 28-2-4(c), Uses Permitted by Conditional Use Permit;
 - 28-3-2(e), Conditional Use Permit Required for Encroachments in the Floodway;
 - 28-3-3(f), Conditional Use Permit Required for Disturbance of Buffers in the SP District;
 - 28-4-3(d), Conditional Use Permit Required for Certain Disturbance of Wetland Buffers;
 - 28-4-4(d), Conditional Use Permit Required for Certain Disturbance of Bluffs and Buffers;
 - 28-6-9(a)(b), Permitted Building Signs; and
 - 28-7-11, Alternative Parking Arrangements; or
 - Otherwise as provided in this ordinance.
- (e) *Comprehensive Development Plans (CDPs).* For the development of a tract located in a Performance District and for which a subdivision of the tract is proposed, a Comprehensive Development Plan (CDP) will be required. The CDP must be approved by the Planning Board prior to the granting of any other subdivision or site plan approvals for the project.
 - (1) *Application and Review Procedure.* An application for approval of a CDP shall be made and reviewed in accordance with the procedures for a ***comprehensive development plan*** ~~Sketch-Plat Application~~, as specified in the Subdivision Regulations.
 - (2) *Submittal Requirements.* An application for approval of a CDP shall include plans and documents in accordance with the submittal requirements for a ~~Sketch-Plat Application~~ ***comprehensive development plan***, as described in the Subdivision Regulations. The plans so submitted shall depict the proposed site development and the contemplated subdivision actions, and shall be accompanied by a narrative description of the site development and subdivision actions, specifying whether the subdivision will include a division of the fee interest, long term land leases, a declaration of condominium, a

cooperative, or other actions. Easements and covenants necessary for any common facilities and to ensure adequate access, parking, utility services, and drainage facilities to all proposed lots, leaseholds, units, or other subareas shall be described in the narrative, and the areas proposed to be so encumbered shall be identified and depicted on the plans. A description of any proposed ownership or management organization or association shall be provided, indicating the structure, powers, and duties of such organization, and its responsibilities for the maintenance of common facilities.

- (3) *Applications Where Phasing is Proposed.* For those applications where phasing is proposed and the planning for future phases is not as detailed as that for the most immediate phase, the application shall fully comply with requirements of this Section for the first phase, but may include the designation of a range of uses for future phases of development on proposed sites corresponding to future phases. The plans submitted for the future phases shall indicate a proposed location for common facilities and for access and utility services, including drainage facilities, for each phase, and shall demonstrate that there is adequate area to provide for parking in an amount commensurate with the demand that would be generated by the proposed range of uses in each phase.
- (3) *Submittal Requirements.* Where a project ~~or permit~~ is subject to ***a sign permit application or*** an application for a conditional use permit, a major site plan review, or a subdivision approval, all plans and materials that are required for those applications shall be considered for review under the terms of this Section ***and a separate application for architectural design review shall not be required.*** In those circumstances where a project ~~or permit~~ is independent of ***a sign permit, conditional use permit, major site plan review, or subdivision approval, or*** any other Planning Board action, ***then*** an application form ***for architectural design review*** shall be completed and submitted to the Planning Board. The application form shall be accompanied by all plans and materials that are required for applications for ~~sign permits, or for building permits, whichever the case may be.~~ Application materials shall be supplemented by photographs, material samples, color charts, sketches, models, or other materials that will assist the Board in gaining a visual understanding of the application.
- (4) *Notification.* Where an application for Architectural Design Review is not otherwise included within and subject to the notification and hearing requirements for a major site plan review, a subdivision, or a conditional use permit application, a notice of a public meeting shall be given to the applicant by first class mail not less than ten (10) days before the date of the meeting, and a public notice shall be posted in two (2) separate and distinct public places, or placed in a newspaper of general circulation in the City, not less than ten (10) days before the date of the meeting. The public meeting notice shall include notification that the public meeting shall be opened to a public hearing for the allowance of oral or written testimony at the request of the applicant, any member of the Board, or any party that can demonstrate that they are directly affected by the application upon which the meeting is being held.
- (5) *Public Meeting.* The Planning Board shall consider an application for Architectural Design Review at a public meeting, which may be the same meeting at which the Board is considering a major site plan review, a subdivision, or a conditional use

permit application for the same project. ~~or permit~~. The public meeting shall be opened to a public hearing for the allowance of oral or written testimony at the request of the applicant, any member of the Board, or any party that can demonstrate that they are directly affected by the application upon which the meeting is being held.

SECTION IV: This ordinance shall take effect on adoption.

Explanation: Matter removed from the current ordinance appears in [~~struck through~~.]

New items are shown in ***bold italic*** font

CITY OF CONCORD

In the year of our Lord two thousand and twenty-five

AN ORDINANCE amending the CODE OF ORDINANCES, Title IV, Zoning Code; Chapter 28, Zoning Ordinance

The City of Concord ordains as follows:

SECTION I: Amend the CODE OF ORDINANCES, Title IV, Zoning Codes; Chapter 28, Zoning Ordinance by amending Glossary, as follows:

Ordinary Repairs. Maintenance performed on a building or structure that is necessary to ~~insure~~ **ensure** compliance with applicable building and safety codes, and in a manner which does not alter the size, shape, or appearance of said building or structure.

SECTION IV: This ordinance shall take effect on adoption.

Explanation: Matter removed from the current ordinance appears in [~~struck through.~~]
New items are shown in ***bold italic*** font

CITY OF CONCORD

In the year of our Lord two thousand and twenty-five

AN ORDINANCE amending the CODE OF ORDINANCES, Title IV, Zoning Code; Chapter 28, Zoning Ordinance

The City of Concord ordains as follows:

SECTION I: Amend the CODE OF ORDINANCES, Title IV, Zoning Codes; Chapter 28, Zoning Ordinance by Article 28-5, Section 28-5-30, as follows:

(c) Major Home Occupation. A major home occupation is a home-based business which may involve limited external evidence of business use such as the use of a portion of accessory buildings for business use, the employment of persons not residing on the property, or light shipping and delivery of manufactured, assembled or repaired products. A major home occupation shall not be permitted if it is determined that it may have a significant adverse impact on the surrounding neighborhood. In order to avoid adverse impacts on a neighborhood, a major home occupation shall not be authorized unless it meets all of the following standards and conditions:

(10) The use is not one of the following uses, which are expressly prohibited as major home occupations:

- a. The boarding of animals or the operation of commercial kennels or stables and similar uses;
- b. Uses involving the parking, dispatching, or storage of commercial vehicles, or the delivery and shipping of materials or goods by such vehicles on a more than once each day basis;
- c. Automobile or small engine repair or maintenance, welding, or other uses which involve the visible storage on the property of automobiles or the parts thereof;
- d. Warehousing and distribution uses; and
- e. Uses which generate more than twenty (20) vehicle trips per day based upon criteria published in the latest edition of Trip Generation by the Institute of Transportation Engineers (ITE). ~~[Appendix D of this ordinance]~~.

SECTION II: This ordinance shall take effect on adoption.

Explanation: Matter removed from the current ordinance appears in ~~[struck through]~~

New items are shown in ***bold italic*** font

CITY OF CONCORD

In the year of our Lord two thousand and twenty-five

AN ORDINANCE amending the CODE OF ORDINANCES, Title IV, Zoning Code; Chapter 28, Zoning Ordinance

The City of Concord ordains as follows:

SECTION I: Amend the CODE OF ORDINANCES, Title IV, Zoning Codes; Chapter 28, Zoning Ordinance by amending Appendix B, List of Arterial Streets, as follows:

APPENDIX B LIST OF ARTERIAL STREETS

Limited Access Highways

Interstate 89

Interstate 93

Interstate 393

Major Arterials

Clinton Street

Hoit Road from I-93 Exit 17 to Canterbury Town Line

Loudon Road (NH 9)

NH Route 3 from Pembroke Town Line to Boscawen Town Line

NH Route 106 (Sheep Davis Road)

Pleasant Street from Main Street to Langley Parkway

South Street from Clinton Street to Pleasant Street

~~US 3~~

~~Manchester Street, Water Street, South Main Street north of Water Street, North Main Street south of Bouton Street, Bouton Street, North State Street from Bouton Street to Fisherville Road, Fisherville Road and Village Street~~

~~Sheep Davis Road (NH 106)~~

Minor Arterials

East Side Drive from Loudon Road to I-393

Canal Street

Langley Parkway

Pleasant Street/Hopkinton Road from Langley Parkway to Hopkinton Town Line

South Main Street/Route 3A from West Street to Bow Town Line

Airport Road

Clinton Street (NH 13)

Hoit Road (US 4) from I-93 to Canterbury Town Line

Old Turnpike Road

Pleasant Street/Hopkinton Road (US 202 & NH 9)

Regional Drive

South Street (NH 13) from Clinton Street (NH 13) to Pleasant Street (US 202)

South Main Street (US 3A)

Langley Parkway from Clinton Street (NH 13) to Pleasant Street (US 202)

SECTION II: Amend the CODE OF ORDINANCES, Title IV, Zoning Codes; Chapter 28, Zoning Ordinance by amending Appendix C, List of Collector Streets, as follows:

APPENDIX C LIST OF COLLECTOR STREETS

Major Collectors

Airport Road

Auburn Street

Broadway

Centre Street from Liberty Street to North Main Street

D'Amante Drive

East Side Drive from I-393 to Eastman Street

Eastman Street from East Side Drive to Shawmut Street

Fort Eddy Road

Hazen Drive

Hall Street

Integra Drive

Liberty Street from Centre Street to Warren Street

Mountain Road from Shawmut Street to Shaker Road

Old Turnpike Road

Regional Drive

South Street from Clinton Street to Bow Town Line

South Fruit Street

Warren Street from Pleasant Street to Liberty Street

~~D'Amante Drive~~

~~East Side Drive (NH 132)~~

~~Ft. Eddy Road~~

~~Hazen Drive~~

~~North State Street from Pleasant to Bouton Street~~

~~Sewalls Falls Road~~

~~South Fruit Street~~

~~Storrs Street~~

Minor Collectors

Abbott Road from Manor Road to Sewalls Falls Road

Bog Road

Carter Hill Road

Green Street

Hoit Road from I-93 Exit 17 to Loudon Town Line

Horse Hill Road

Lake View Drive

Little Pond Road

Manor Road

Mountain Road from Shaker Road to Canterbury Town Line

North State Street from Pleasant Street to Bouton Street

Sewalls Falls Road

Shaker Road

South State Street

Warner Road

~~Broadway~~

~~Hoit Road from I-93 to Mountain Road (NH 132)~~

~~Sewalls Falls Road from Abbott Road to Mountain Road (NH 132)~~

~~South Street from Clinton Street to the Bow Town Line~~

Urban Collector

Allison Street

Blodgett Street

Borough Road

Branch Turnpike

Canterbury Road from Loudon Road to Pembroke Road

College & Institute Drives

Commercial Street from I-393 to Delta Drive

Constitution Avenue

Delta Drive

Downing Street from South Street to South State Street

Elm Street from Chandler Street to Village Street

Franklin Street from Auburn Street to North Main Street

Hutchins Street

Liberty Street from Centre Street to Walker Street

Locke Road

Oak Hill Road from Appleton Street to Irving Drive

Old Loudon Road

Pembroke Road

Penacock Street from Auburn Street to North State Street

Perley Street from South State Street to South Main Street

Portsmouth Street from East Side Drive to Old Loudon Road

Rockingham Street

Rumford Street from Walker Street to North State Street

Shawmut Street

Storrs Street

Walker Street from Liberty Street to Rumford Street

Washington Street from Centre Street to North Main Street

Washington Street (P) from Borough Road to Village Street

West Washington Street from Liberty Street to Warren Street

West Street

Whitney Road

~~***Abbott Road (Manor Road to Sewalls Falls Road***~~

~~***Allison Street***~~

Auburn Street
Borough Road
Canterbury Road
Centre Street east of Liberty Street
Commercial Street
Constitution Avenue
Downing Street
East Street
Elm Street east of Chandler Street
Delta Drive and NH Technical Institute Drive
Franklin Street from High Street to N. Main Street
Green Street
Hall Street
Liberty Street north of Warren Street
Manor Road
North Fruit Street south of School Street
Old Loudon Road
Pembroke Road
Penacook Street (Concord)
Perley street
Portsmouth Street east of East Side Drive
Rockingham Drive
Rumford Street
School Street east of N. Fruit Street
Shawmut Street
South State Street
Spring Street
Warren Street
Washington Street (Concord)
West Washington Street
Washington Street (Penacook)
West Street

Rural Collector

Blackwater Road

Elm Street from Chandler Street to Horse Hill Road

Fisk Road

Long Pond Road

Oak Hill Road from Irving Drive to Loudon Town Line

Silk Farm Road from Clinton Street to Bow Town Line

~~Bog Road~~

~~Carter Hill Road~~

~~Elm Street west of Chandler Street~~

~~Hoit Road east of Mountain Road (NH 132)~~

~~Horse Hill Road~~

~~Hutchins Street~~

~~Lake View Drive~~

~~Little Pond Road~~

~~Long Pond Road~~

~~Oak Hill Road~~

~~River Road~~

~~Shaker Road~~

~~Silk Farm Road south of Clinton Street (NH 13)~~

SECTION III: This ordinance shall take effect on adoption.

CITY OF CONCORD

In the year of our Lord two thousand and twenty-five

AN ORDINANCE amending the CODE OF ORDINANCES, Title IV, Zoning Code; Chapter 28, Zoning Ordinance

The City of Concord ordains as follows:

SECTION I: Amend the CODE OF ORDINANCES, Title IV, Zoning Codes; Chapter 28, Zoning Ordinance by amending Appendix D, ITE Trip Generation Standards, as follows:

APPENDIX D-ITE TRIP GENERATION STANDARDS

Representative Trip Generation

Source: Trip Generation, 6th Edition, Institute of Transportation Engineers, 1997, Washington, DC.

Definitions:

ADT = Average Weekday Vehicle Trip Ends (Average Daily Trips)

GFA = Gross Floor Area

Land Use	ITE Code	ADT
<i>Residential (per dwelling unit)</i>		
Single Family Residential	210	—9.57
Multifamily Dwelling	220	—6.63
Manufactured Housing	240	—4.81
Multifamily Housing for the Elderly	253	—3.48
<i>Nonresidential (per 1,000 square feet GFA)</i>		
Offices	710	—11.01
Medical/Dental Offices	720	—8.91
Retail (Shopping Center)	820	—42.92
Restaurant	832	130.04
Restaurant w/drive through	834	496.12
General Light Industrial	110	—6.97
Warehousing	150	—4.96
Day Care Center		
<i>Nonresidential (per 1,000 square feet GFA)</i>		
Gas Station Convenience (per fueling station)	845	162.78
Motel (per room)	320	—9.11

~~Date: September 11, 2001~~

SECTION II: This ordinance shall take effect on adoption.