



CITY OF CONCORD

REPORT TO PLANNING BOARD

FROM: AnneMarie Skinner, City Planner

DATE: April 11, 2025

SUBJECT: Draft Ordinance amending the Code of Ordinances, Title IV, Zoning Code, Chapter 28, Zoning Ordinance

Background:

This is the first batch of “interim” zoning ordinance amendments prior to a major revision of the zoning ordinance after the Master Plan update has been accomplished.

Discussion:

A summary of the recommended changes follows:

1) **Section 28-2-4:**

- Correct the incorrect reference to the code administrator by changing it to deputy city manager for development, or their designee for consistency with the rest of the Zoning Ordinance.
- Add “Zoning” in front of “Board of Adjustment” and add “(ZBA) behind “Zoning Board of Adjustment” to explain the acronym and clarify that Board of Adjustment is Zoning Board of Adjustment.
- Clarify when and under what circumstances multiple principal uses on a single lot are allowed, and provide further clarification between residential and nonresidential uses, as well as the types of residential uses. The current language is unclear.
- To be in compliance with New Hampshire state statute, change child day care facilities that are accessory to a principal residential use to be permitted by right rather than by special exception.

2) **Section 28-4-3 Wetland Buffers and Setbacks.**

- In all places through the section, add the word “wetland” in front of “buffer” for distinction and clarification that the reference is to the wetland buffer.
- Add specific reference to underground utilities and utility poles and the erections or construction of a building or structure, or the construction of parking lots or loading area

3) **Section 28-4-5 Development of Attached and Multifamily Dwellings.** Correct the misspelled “insure” to the correct “ensure.”

- 4) **Section 28-5-2 Duplex or Two-Family Dwelling.** Eliminates the additional size and frontage requirements for a duplex.
- 5) **Section 28-5-9 Child Day Care Facilities.** Changes to this section make the code consistent and compliant with the New Hampshire Revised Statutes Annotated regarding child day care facilities, including adding corrected definitions to the glossary.
- 6) **Section 28-5-32 Accessory Buildings and Facilities.** Reduces the setback restrictions for accessory buildings and facilities, and adds non-portable standby generators and basketball courts as specific accessory facilities.
- 7) **Section 28-5-36 Home Occupations.** Removes the reference to Appendix, which is being deleted
- 8) **Section 28-5-30 Fences, Walls, and Hedges.** Adds retaining walls, and provides option for conditional use permits to exceed the allowed height.
- 9) **Section 28-5-52 Accessory Dwelling Units.** Provides changes to align with RSA 674:72 and 674:73, as well as allowing accessory dwelling units as both attached and detached, by right, as opposed to a special exception.
- 10) **Article 28-6 Sign Regulations.** Adds definitions for murals and ghost signs, updates the definition of signs, provides clarification for sign measurements, provides provisions for drive-through facility signs and signs on gasoline pumps, provides for a conditional use permit for signs to be painted directly on buildings
- 11) **Article 28-9 Administration and Enforcement.** Aligns variance criteria with the state statute, removes references to paper copy requirements.
- 12) **Glossary.** Update definitions for child day care facilities for compliance with state statutes. Add definitions for murals and ghost signs, update sign definition.
- 13) **Appendices.** Update both Appendix B and Appendix C to be current. Delete Appendix D as obsolete.