



**CITY OF CONCORD**  
*New Hampshire's Main Street™*  
***Community Development Department***

**SUPPLEMENTAL REPORT TO THE MAYOR AND CITY COUNCIL**

**From:** Heather Shank, City Planner  
**Date:** 9/23/2019  
**Subject:** Ordinance to amend Articles 28-2-3, The Zoning Map; 28-2-4, Allowable Principal and Accessory Uses; 28-3-2, Flood Hazard (FH) District; 28-4, Development Design Standards, and 28-9-4, Decisions by the Planning Board.

**Recommendation**

Recommend City Council approve the Ordinance as amended in the Supplemental Ordinance.

**Summary**

In the Supplemental Ordinance, Staff is proposing to relocate the language intended to allow an applicant to go through the Planning Board process while concurrently applying for a revision to the flood plain map through FEMA. The original ordinance had located the proposed new requirements for FEMA in Article 28-2, Zoning Districts and Allowable Uses, Section 28-2-3, The Zoning Map. The supplemental ordinance instead locates the proposed new requirements for FEMA in Article 28-3, Overlay Districts; Section 28-3-2, Flood Hazard (FH) District. The purpose and intent of the proposed amendment is the same. The new location in the ordinance under Article 28-3 resolves concerns that were raised by the Floodplain Management Program Coordinator from the New Hampshire Office of Strategic Initiatives (OSI) regarding language in the ordinance that is typically provided by FEMA. It is staff's opinion the new location more accurately addresses the intent of the proposed amendment without potentially affecting other aspects of the Flood Hazard District regulations.

In this Supplemental Ordinance, Staff is also recommending to allow more flexibility with regard to residential and non-residential uses in the OCP. The original intent of the proposal in Article 28-4 was to avoid large residential projects from dominating districts that have historically been assumed to provide non-residential amenities. However, after conversations with developers interested in developing OCP zoned parcels, and considering the need for housing in the City at this time, it is staff's opinion that greater flexibility would be more desirable. As such, the Supplemental Ordinance now also includes proposed language in Article 28-4-5(e)(1) to allow the Planning Board to waive the requirement for residential use through the approval of a Conditional Use Permit. This would also allow potential developers to proceed without obtaining a variance.