

CITY OF CONCORD

In the year of our Lord two thousand and nineteen

AN ORDINANCE amending the CODE OF ORDINANCES, Title IV, Zoning Code; Chapter 28, Zoning Ordinance; Article 28-2, Zoning Districts and Allowable Uses; Section 28-2-3, The Zoning Map; and Article 28-4, Development Design Standards; Section 28-4-5, Development of Attached and Multifamily Dwellings.

The City of Concord ordains as follows:

SECTION I: Amend the CODE OF ORDINANCES, Title IV, Zoning Code; Chapter 28, Zoning Ordinance; Article 28-2, Zoning Districts and Allowable Uses; Section 28-2-3, The Zoning Map, by converting from Open Space Residential (RO) to Gateway Performance (GWP), the area labelled “Rezone to GWP” on the attached map dated 8/21/19.

SECTION II: Amend the CODE OF ORDINANCES, Title IV, Zoning Code; Chapter 28, Zoning Ordinance; Article 28-2, Zoning Districts and Allowable Uses; Section 28-2-3, The Zoning Map; Subsection (b) (1) as follows:

(b) The Zoning Overlay District Maps. The Zoning Overlay District Maps are a series of topical maps displaying those Overlay Districts that are not otherwise displayed on the Zoning Base District Map, as follows:

- (1) The boundaries of, and special limits within, the Flood Hazard (FH) District shall be identified by the Federal Emergency Management Agency in an engineering report entitled "The Flood Insurance Study for the County of Merrimack, New Hampshire" (FIS), with an effective date of April 19, 2010, as amended or revised with the accompanying Flood Insurance Rate Map (FIRM), ***excluding those areas that are the subject of a pending request for a Conditional Letter of Map Revision (CLOMR) filed with FEMA or subject to a CLOMR issued by FEMA. No building permits shall be issued until a Letter of Map Revision (LOMR) has been issued by FEMA.***

SECTION III: Amend the CODE OF ORDINANCES, Title IV, Zoning Code; Chapter 28, Zoning Ordinance; Article 28-2, Zoning Districts and Allowable Uses; Section 28-2-4, Allowable Principle and Accessory Uses in Zoning Districts; Subsection (j), Table of Uses; by allowing the following uses by right as follows:

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Allowable Uses; Section 28-2-3, The Zoning Map.

		BASE DISTRICTS																		DEVELOPMENT DESIGN and SUPPLEMENTAL STANDARDS
		Residential						Commercial				Performance						Other		
	PRINCIPAL USES	open space	medium density	single family	neighborhood	downtown	high density	neighborhood	general	urban	hwy	central business	gateway	opportunity corridor	office park	civic	institutional	industrial	urban transit	
Use #	Use Category and Description	RO	RM	RS	RN	RD	RH	CN	CG	CU	CH	CBP	GWP	OC P	OF P	CV P	IS	IN	UT	
A	RESIDENTIAL																			
1	Single-family detached dwelling	P	P	P	P	P	P	P	-	-	-	-	-	-	-	P	P	-	P	
2	Duplex or two-family dwelling	-	P	-	P	P	P	P	-	-	-	-	-	-	-	P	P	-	P	Section 28-5-2
3	Attached dwellings	-	-	-	P	P	P	-	P	P	-	-	<u>P-</u>	<u>P-</u>	-	P	P	-	P	Section 28-4-5
4	Multifamily dwellings	-	-	-	-	P	P	P	P	P	-	P	<u>P-</u>	P	-	P	P	-	P	Section 28-4-5
5	Manufactured housing subdivision	-	-	-	P	P	P	-	-	-	-	-	-	-	-	-	-	-	-	Section 28-4-6
6	Manufactured housing park	-	-	-	C U	C U	C U	-	-	-	-	-	-	-	-	-	-	-	-	Section 28-4-6
7	Cluster development	P	P	P	P	-	-	-	-	-	-	-	-	-	-	-	-	-	-	Section 28-4-7
8	Single Family Dwelling in a Conventional Major Subdivision	C U	P	P	P	P	P	P	-	-	-	-	-	-	-	P	P	-	P	Section 28-4-7(c) and 28-5-46
9	Single Family Dwelling in a Conventional	P	P	P	P	P	P	P	-	-	-	-	-	-	-	P	P	-	P	Section 28-4-7(c)

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		BASE DISTRICTS																	DEVELOPMENT DESIGN and SUPPLEMENTAL STANDARDS	
		Residential						Commercial				Performance					Other			
	PRINCIPAL USES	open space	medium density	single family	neighborhood	downtown	high density	neighborhood	general	urban	hwy	central business	gateway	opportunity corridor	office park	civic	institutional	industrial		urban transit
Use #	Use Category and Description	RO	RM	RS	RN	RD	RH	CN	CG	CU	CH	CBP	GW	OC	OP	CV	IS	IN	UT	
	Minor Subdivision																			
10	Planned unit development	-	P	-	P	-	P	-	-	-	-	-	-	-	-	-	-	-	-	
11	Conversion of a residential building to accommodate not more than five (5) units	-		-	P	P	P	P	-	P	-	-	-	-	-	P	P	-	P	
12	Multifamily dwelling units for the elderly including congregate dwelling units	-	P	P	P	P	P	-	P	P	-	P	<u>P-</u>	P	-	P	P	-	P	
13	Assisted living residence	-	P	-	P	P	P	-	-	P	-	-	<u>P-</u>	-	-	P	P	-	P	
14	Residential social service center	-	C U	-	C U	C U	C U	-	-	C U	-	-	-	-	-	P	C U	-	C U	
15	Rooming house	-	-	-	-	SE	-	-	-	SE	-	-	-	-	-	-	-	-	SE	
16	Conversion of nonresidential building for one or more dwelling unit	-	-	-	-	P	P	P	P	P	-	P	<u>P-</u>	P	-	P	P	-	P	

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SECTION IV: Amend the CODE OF ORDINANCES, Title IV, Zoning Code; Chapter 28, Zoning Ordinance; Article 28-4, Development Design Standards; Section 28-4-1, Dimensional Standards; Subsection (g), Applicability to Performance Districts, by revising Item (1) as follows:

(1) ~~Within Performance Districts, whenever~~ ***Where*** a subdivision of a tract is proposed ***in the Office Park (OFP) Performance, Gateway Performance (GWP) or Opportunity Corridor Performance (OCP) Districts***, a Comprehensive Development Plan (CDP) must be prepared in accordance with the requirements of Section 28-9-4, Decisions by the Planning Board, of this ordinance. The CDP must be approved by the Planning Board prior to the granting of any other subdivision or site plan approvals for development of said tract. The standards specified in Section 28-4-1(h), Table of Dimensional Regulations, of this ordinance, shall apply to the tract for which the CDP is prepared but not to any lots proposed within the CDP to be created from that tract, as long as the combined dimensional features of the lots so created, when taken in the aggregate, remain in compliance with the dimensional standards of this ordinance and the approved CDP

SECTION V: Amend the CODE OF ORDINANCES, Title IV, Zoning Code; Chapter 28, Zoning Ordinance; Article 28-4, Development Design Standards; Section 28-4-5, Development of Attached and Multifamily Dwellings; revising Subsection (e), Development Standards in Performance Districts as follows:

(1) Mixed Use Component Required. For lots less than 20,000 square feet, residential uses are permitted in the Gateway Performance (GWP) and Opportunity Corridor Performance (OCP) Districts in accordance with Section 28-2-4, Allowable Principle and Accessory Uses in Zoning Districts. For lots greater than 20,000 square feet, residential uses are permitted only where a minimum of 25% of the gross floor area consists of nonresidential uses that are located within 50 feet of a public or private street.

(2) Comprehensive Development Plan Required. Minimum Tract Requirements. Within those Performance Districts in which attached or multi-family dwellings are permitted, Where residential uses are proposed in the GWP or OCP Districts, where a subdivision of the tract is proposed, a Comprehensive Development Plan (CDP) must be prepared in accordance with the requirements of Sections 28-4-1(g), Applicability to Performance Districts, and 28-9-4,

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~~Decisions by the Planning Board. of this ordinance, prior to the development of a tract for attached or multi-family dwellings. The standards as specified in Section 28-4-1(h), Table of Dimensional Regulations, of this ordinance, for the respective Performance Districts in which attached or multi-family dwellings are permitted shall apply to the tract for which the CDP is prepared.~~

~~(2)(3)~~ **Maximum Floor Area Ratio.** The density of the development of attached and multi-family dwellings *where each structure is located on its own individual lot, excluding accessory structures*, shall be established by a maximum floor area ratio as specified hereinafter for each principal residential use *as indicated below*. for the respective Performance District in which the attached and multi-family dwellings are permitted:

Performance District	Maximum Floor Area Ratio by Principal Residential Use		
	Attached Dwellings	Multi-family Dwellings	Multi-family for Elderly
CVP	.5 1.0	1.0 2.5	1.5 3.0
CBP	not permitted	2.5 3.0	3.0 3.5
OCP	not permitted 1.0	2.5 4.0	3.0 4.5
GWP	1.0	3.0	3.5

~~(4)~~ **Density.** *For attached and multifamily buildings not on individual lots, the density maximums of Section 28-4-5(d)(2), Maximum Lot Coverage and Density, of this ordinance, shall apply.*

~~(3)(4)~~ **Building Dimensions.** All buildings shall comply with the provisions relative to maximum height as specified in Sections 28-4-1(g), Applicability to Performance Districts, and 28-4-1(h), Table of Dimensional Regulations, of this ordinance, for the respective Performance Districts in which attached or multi-family dwellings are permitted.

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~~(4)~~**(5)** Locational Restrictions. Multifamily dwellings shall be permitted in the Central Business Performance (CBP) District provided that such dwelling units are located on or above the second story of a building, and further provided that the first story of the building is used for a permitted principal nonresidential use.

SECTION VI: Amend the CODE OF ORDINANCES, Title IV, Zoning Code; Chapter 28, Zoning Ordinance; Article 28-9, Administration and Enforcement; Section 28-9-4, Decisions by the Planning Board; Subsection (a) (4) as follows:

- (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)*** ~~for those projects which are located in Performance Districts and for which a subdivision of the tract is proposed,~~ 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

This ordinance shall take effect upon its passage.

Explanation: Matter added to the current ordinance appears in ***bold italics***.

Matter removed from the current ordinance appears in [brackets and ~~struck through~~].